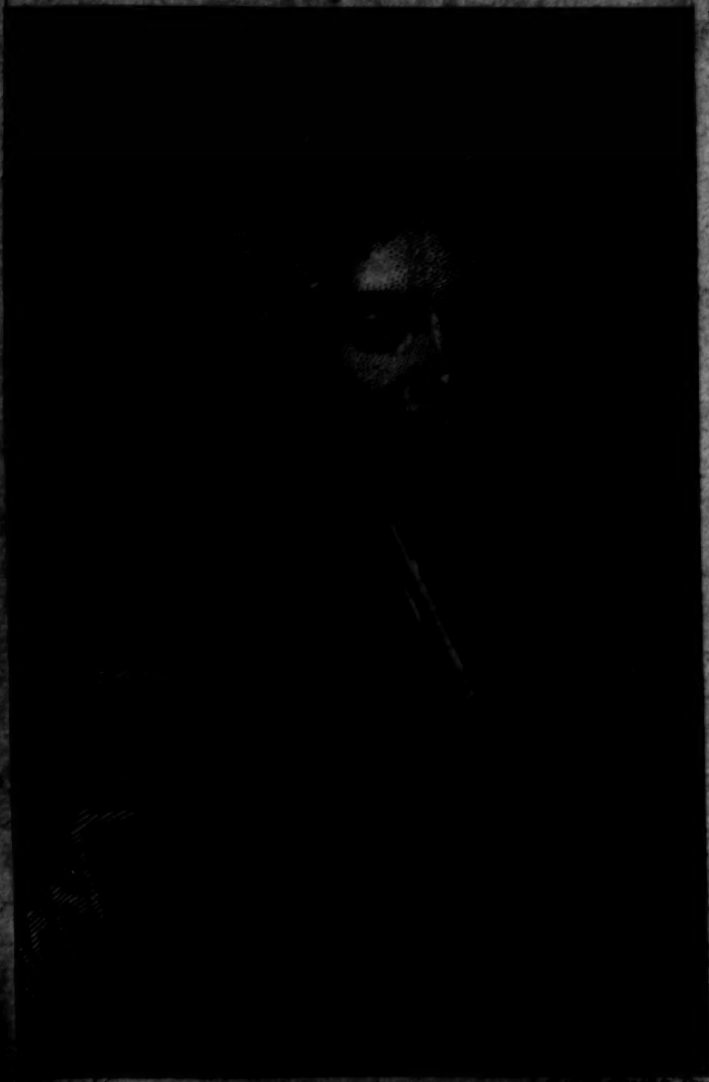
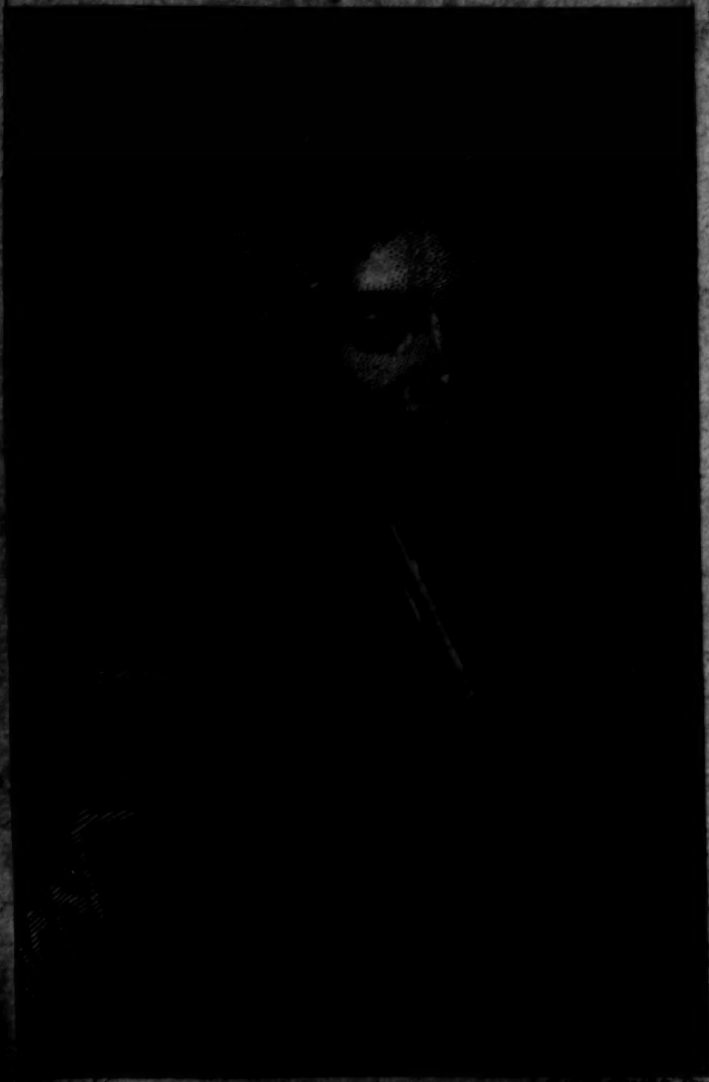




The Right Honourable
CHARLES late Earl of HALIFAX



The Right Honourable
CHARLES late Earl of HALIFAX

R. Montague *5 Me*

THE
WORKS
AND
LIFE

Of the Right Honourable
CHARLES,
LATE
Earl of HALIFAX.

INCLUDING
The HISTORY of his Lordship's TIMES.

LONDON:

Printed for E. CURLL, at the *Dial* and *Bible*; J. PEM-
BERTON, at the *Buck* and *Sun*; and J. HOOKE, at the
Flower-de-luce: all against St. Dunstan's Church in
Fleetstreet. MDCCXV.

Price Five Shillings.

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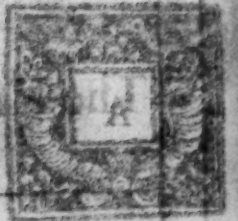
To the Right Honourable



Earl of

My Lord

and Estate of that Noble Person, which gives
being to them, for the purpose of their
needs, which to be said in the said
temple, which to be said in the said
pledged in behalf of the personage



Witness my hand and seal this 10th day of June 1793



To the Right Honourable

GEORGE,

Earl of HALIFAX.

My LORD,



THE following MEMOIRS have
a Sort of Right to Your Lord-
ship's Protection, who are the
Worthy Inheritor of the Virtues
and Estate of that Noble Peer, which gives
Being to them; so 'tis presum'd, there
needs little to be said in Excuse for the At-
tempt, whatsoever Occasion there may be to
plead in behalf of the Performance.

A 2

Better

D E D I C A T I O N.

Better Pens might indeed have employ'd themselves on this arduous and important Work ; and infinitely better Pens there are, that owe the Affluence of their Fortunes to Your Deceas'd Uncle's Bounty, and their very Genius it self to the Documents of his bright Example ; but none could have undertaken it with greater Zeal, or more fervent Affection for his Memory, than the Person who for so doing implores Your Lordship's Patronage.

It must be confess'd, that his own Immortal Works were sufficient of themselves to have transmitted his Lordship to Posterity ; and that without any Auxiliary Helps from others, he would have been deduced to After-Ages, in Right of himself.

As to what relates to the Author in the Recital of the Occurrences of that Great and Illustrious Personage's LIFE and TIMES, he is sensible he has been guilty of many Omissions, thro' Want of Intelligence, from Persons who might have oblig'd him with
proper

DEDICATION.

proper Informations ; particularly, in leaving out the Mention of his Lordship's Care for inspiring future Ages with due Sentiments of Honour and Glory, by causing MEDALS to be struck on the most Memorable Atchievements of the Two last REIGNS ; and his singular good Will to Posterity, in being the first Promoter of RHYMER's *Federal*, and of Digesting the Records and Archives of the Kingdom, that would otherwise have lain in Dust and Oblivion, into a proper Order. But Your Lordship, who are possess'd of Your Predecessor's Humanity, as well as Fortunes, and are as much distinguish'd for the Exercise of all Acts of Forgiveness, as You are for having no Defects Your self, will be pleas'd to pardon the involuntary Errors of,

My LORD,

Your Lordship's most Obedient,

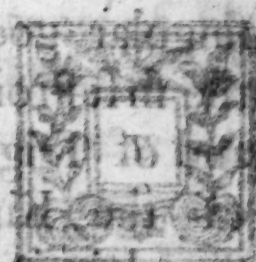
Humble Servant.

PRE-



Imparting future Ages with the sentiments of
Honour and Glory by naming Myself to be
of the Two last Regions; and his

Will to collect in being
the for the first time
the records and archives
that would otherwise
be lost and destroyed
into a pro-



Order but Your Majesty's
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PREFACE.



THE few Excellent POEMS which are given to the Publick in this Collection, are the Genuine Productions of that Noble Person whose Name they bear; and there is nothing imposed upon the Reader here, as has been too often practised in other Books with some Names of Eminence.

There are some People, who, to avoid the Imputation of robbing the Dead, run into as bad an Extreme of giving them more than their Due, which is an equal Injury to their Memories, and breeds a great Confusion in the Readers, when they find the best Poets Authors of the meanest Poems, and the Posthumous Pieces (as they are called) as unlike their former Compositions, as the Dead Man is to the Living.

So much Care has been taken in the present Case, as to exclude all that were of doubtful Fame, tho' never so good, out of this Collection. We could not pay so ill a Compliment to the Manes of the finest Genius, and greatest Mæcenas that ever liv'd, as to make the Publick pay for what is not his, because he cannot now reward us for what certainly is his. It is sufficient to the Fame of this Great Man, to have writ the Battle of the Boyne, The Man of Honour, and (the greatest Share of) the City-Mouse and Country-Mouse; and since these are published fairly and correctly, we shall not envy those who may load his Name with a hundred Trifles, sacrificing his Lordship's Honour to their Gain, or their Ignorance.

It is hoped, that the LIFE is writ with the same Care, and that the many SPEECHES upon the most important Debates in Parliament by so great a MINISTER, will make an useful and entertaining Addition to his Poetical Performances.

P O E M S

O N

Several Occasions.

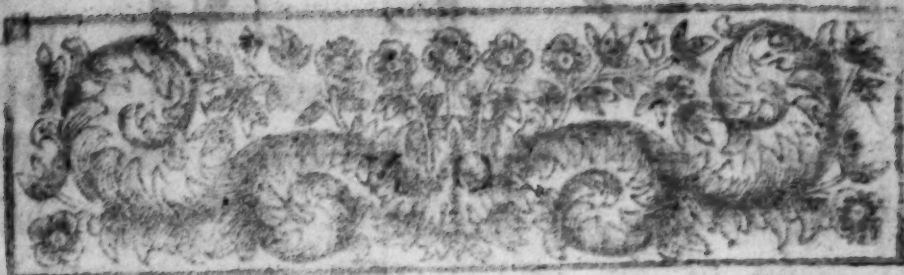
By the Right Honourable.

CHARLES Earl of HALIFAX.



L O N D O N:

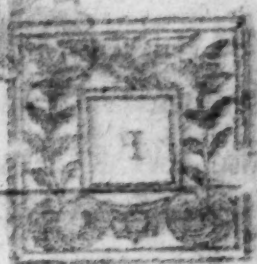
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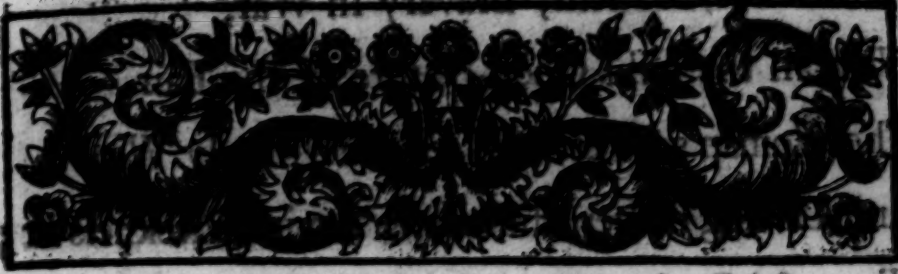
Several Occasions.

By the Right Honourable

Charles Earl of Halifax.



Printed in the Year MDCXXV.
And first seen in the Year
E. O. W. D. O. W. W. W. W.



POEMS

ON

Several Occasions.

*On the Death of his Most Sacred
Majesty King CHARLES II.*



AREWELL, Great CHARLES, Monarch
(of Blest Renown,
The best Good Man that ever fill'd a
(Throne:

Whom Nature, as her highest Pattern, wrought,
And mixt both Sexes Virtues in one Draught.

Wisdom for Councils, Bravery in War,
 With all the mild Good-Nature of the Fair.
 The Woman's Sweetness, temper'd Manly Wit,
 And Loving Power, did crown'd with Meekness sit;
 His awful Person Reverence engag'd,
 Which mild Address and Tenderness asswag'd:
 Thus the Almighty Gracious King above,
 Does both command our Fear, and win our Love.

With Wonders born, by Miracles preserv'd,
 A Heavenly Host the Infant's Cradle serv'd.
 And Men his healing Empire's Omen read,
 When *Sun* with *Stars*, and *Day* with *Night*, agreed.
 His Youth for Valorous Patience was renown'd,
 Like *David*, Persecuted first, then Crown'd.
 Lov'd in all Courts, admir'd where e're he came,
 At once our Nation's Glory, and its Shame:
 They blest the *Isle*, where such great Spirits dwell,
 Abhorr'd the Men, that could such Worth expel.

To spare our Lives, he meekly did defeat
 Those *Sauls*, whom *wandering Asses* made so great;
 Waiting till Heaven's Election should be shown,
 And the *Almighty* should his *Uction* own.
 And own he did — His powerful Arm display'd,
 And *Israel*, the Belov'd of God, obey'd;
 Call'd by his Peoples Tears, He came, He eas'd
 The Groaning Nation, the Black Storms appeas'd;
 Did greater Blessings, than He took, afford,
England it self was more, than He, restor'd.
 Unhappy *Albion*, by strange Ills oppress'd,
 In various Fevers tost, could find no Rest:
 Quite spent and wearied, to His Arms she fled,
 And rested on His Shoulders, her fair bending Head!

In Conquests mild, He came from Exile kind,
 No Climes, no Provocations, chang'd his Mind:
 No Malice show'd, no Hate, Revenge, or Pride,
 But rul'd as meekly, as His *Father* dy'd.

Eas'd

Eas'd us from endless Wars, made Discords cease;
 Restor'd to Quiet, and maintain'd in Peace:
 A mighty Series of new Time began,
 And rowling Years in joyful Circles ran.
 Then Wealth the City, Bus'ness fill'd the Port,
 To Mirth our Tumult turn'd, our Wars to Sport!
 Then Learning flourish'd, blooming Arts did spring,
 And the glad Muses prun'd their drooping Wings.
 Then did our flying Towers Improvement know,
 Who now command as far, as Winds can blow.
 With Canvass Wings round all the Globe they fly,
 And, built by CHARLES's Art, all Storms defy.
 To ev'ry Coast with ready Sails are hurr'd,
 Fill us with Wealth, and with our Fame the World!
 From whose Distractions Seas do us divide,
 Their Riches here in floating Castles ride.
 We reap the Swarthy Indian's Sweat and Toil,
 Their Fruit, without the Mischiefs of their Soil,
 Here in cool Shades their Gold and Pearls receive,
 Free from the Heat, which does their Lustre give.

In *Persian Silks*, eat *Eastern Spice*; secure
 From burning *Fluxes*, and their *Calenture*;
 Under our *Vines* upon the peaceful *Shore*,
 We see all *Europe* tost, hear *Tempests* roar,
 Rapine, Sword, Wars, and *Famine* rage abroad,
 While *CHARLES* their Host, like *Jove* from *Ida*, aw'd;
 Us from our *Foes*, and from our selves did shield,
 Our *Towns* from *Tumults*, and from *Arms* the *Field*.
 For when bold *Factions* *Goodness* could disdain,
 Unwillingly He us'd a *straiter Rein*,
 In the *still gentle Poise* He lov'd to speak,
 But could with *Thunder* harden'd *Rebels* break.
 Yet though they walk'd the *Laws*, His tender *Mind*
 Was undisturb'd, in *Wrath* severely kind.
 Tempting His *Power*, and urging to assume;
 Thus *Jove* in *Love* did *Semele* consume.
 As the stout *Oak*, when round his *Trunk* the *Vine*
 Does in soft *Wreaths* and amorous *Foldings* twine,
 Easy and slight appears: the *Winds* from far
 Summon their noisy *Forces* to the *War*;

But

But though so gentle seems his outward Form,
 His hidden Strength out-braves the loudest Storm:
 Firmer he stands, and boldly keeps the Field,
 Showing stout Minds, when unprovok'd, are mild.
 So when the *Good Man* made the Crowd presume,
 He show'd himself, and did the *King* assume:
 For Goodness in Excess may be a Sin,
Justice must tame, whom *Mercy* cannot win.
 Thus Winter fixes the unstable Sea,
 And teaches restless Water Constancy,
 Which under the warm Influence of bright Days,
 The fickle Motion of each Blast obeys.
 To bridle Factions, stop Rebellion's Course,
 By easy Methods, vanquish without Force,
 Relieve the Good, bold stubborn Foes subdue,
 Mildness in Wrath, Meekness in Anger shew,
 Were Arts Great CHARLES's Prudence only knew.
 To fright the Bad, thus awful *Thunder* rolls;
 While the bright *Bow* secures the Faithful Souls.

Such is thy Glory, CHARLES, thy lasting Name,
Brighter than our proud Neighbour's guilty Fame :
More Noble than the Spoils that Battels yield,
Or all the empty Triumphs of the Field.
'Tis less to conquer, than to make Wars cease,
And without Fighting, awe the World to Peace :
For proudest Triumphs from Contempt arise ;
The Vanquish'd first the Conqueror's Arms despise !
Won Ensigns are the gaudy Marks of Scorn,
They brave the Victor first, and then adorn.
But peaceful Monarchs reign like Gods ; while none
Dispute, all Love, Bless, Reverence their Throne.
Tygers, and Bears, with all the savage Host,
May Boldness, Strength, and daring Conquest boast ;
But the sweet Passions of a Generous Mind,
Are the Prerogative of Human Kind ;
The God-like Image, on our Clay impress'd,
The darling Attribute which Heaven loves best :

In CHARLES, so Good a *Man* and *King*, we see
A double Image of the Deity.
Oh! had He more resembled it! Oh, why
Was He not still more like, and cou'd not dye?
Now do our Thoughts alone enjoy His Name,
And faint *Ideas* of our Blessing frame!
In *Thames*, the Ocean's Darling, *England's* Pride,
The pleasing Emblem of His Reign does glide:
Thames the Support, and Glory of our Isle,
Richer than *Tagus*, or *Ægyptian Nile*.
Though no rich Sand in him, no Pearls are found,
Yet Fields rejoice, his Meadows laugh around;
Less Wealth his Bosom holds, less guilty Stores,
For he exhausts himself, t'enrich the Shores.
Mild and Serene the peaceful Current flows,
No angry Foam, no raging Surges knows:
No dreadful Wreck upon his Banks appears,
His Crystal Stream unstain'd by Widows Tears,
His Chancel strong and easy, deep and clear.

No arbitrary Inundations sweep
 The Plowman's Hopes, and Life, into the Deep ;
 The even Waters the old Limits keep.
 But oh ! he ebbs, the smiling Waves decay,
 (For ever, lovely Stream, for ever stay !)
 To the Black Sea his silent Course does bend,
 Where the best Streams, the longest Rivers, end.
 His spotless Waves there undistinguish'd pass,
 None see, how clear, how bounteous, sweet, he was.
 No Difference now (though late so much) is seen,
 'Twixt him, fierce Rhine, and the impetuous Seyne.

But lo ! the joyful Tide our Hopes restores,
 And dancing Waves extend the wid'ning Shores.
 JAMES is our CHARLES in all Things but in Name :
 Thus *Thames* is daily lost, yet still the same.





T H E

M A N of H O N O U R.

  NOT all the *Threats* or *Favours* of a
 N  (Crown,
  A *Prince's* Whisper, or a *Tyrant's* Frown,
 Can awe the Spirit, or allure the Mind

Of him, who to strict *Honour* is inclin'd.

Though all the Pomp and Pleasure that does wait
 On publick Places, and Affairs of *State*,
 Shou'd fondly court him to be *Base* and *Great* ;
 With even Passions, and with settled Face,
 He would remove the *Harlot's* false Embrace.

Tho' all the *Storms* and *Tempests* should arise,
 That *Church-Magicians* in their Cells devise,

T H E

B 2

And

And from their settled Basis *Nations* tear,
He wou'd unmov'd the mighty Ruin bear;
Secure in Innocence contemn 'em all,
And decently array'd in *Honours*, fall.

For this, Brave SHREWSBURY and LUMLY's Name
Shall stand the foremost in the List of Fame,
Who first with steddy Minds the Current broke,
And to the suppliant *Monarch* boldly spoke:

' Great Sir, renown'd for Constancy, how just
' Have we obey'd the Crown, and serv'd our Trust,
' Espous'd your *Cause* and *Interest* in Distress,
' Your self must witness, and our Foes confess!
' Permit us then *ill Fortune* to accuse,
' That you at last *unhappy Councils* use,
' And ask the *only* thing we must refuse.
' Our *Lives* and *Fortunes* freely we'll expose,
' *Honour* alone we cannot, must not lose:

' *Honour*,

- ‘ *Honour*, that *Spark* of the *Celestial Fire*,
- ‘ That above *Nature* makes *Mankind* aspire ;
- ‘ Enobles the rude *Passions* of our *Frame*,
- ‘ With *Thirst* of *Glory*, and *Desire* of *Fame* ;
- ‘ The richest *Treasure* of a generous *Breast*,
- ‘ That gives the *Stamp* and *Standard* to the rest.
- ‘ *Wit*, *Strength*, and *Courage*, are wild dangerous *Force*,
- ‘ Unless this softens and directs their *Course* ;
- ‘ And would you rob us of the *noblest* Part,
- ‘ Accept a *Sacrifice* without a *Heart* ?
- ‘ ’Tis much beneath the *Greatness* of a *Throne*,
- ‘ To take the *Casket* when the *Jewel*’s gone ;
- ‘ Debauch our *Principles*, corrupt our *Race*,
- ‘ And teach the *Nobles* to be *False* and *Base* ;
- ‘ What *Confidence* can you in them repose,
- ‘ Who e’re they serve you, all their *Value* lose ?
- ‘ Who once enslave their *Conscience* to their *Lust*,
- ‘ Have lost their *Reins*, and can no more be *Just*.

' Of Honour, Men at first like Women nice,
 ' Raise Maiden Scruples at unpractis'd Vice;
 ' Their modest Nature curbs the struggling Flame,
 ' And stifles what they wish to act, with Shame:
 ' But once this Fence thrown down, when they perceive
 ' That they may taste forbidden Fruit and live;
 ' They stop not here their Course, but safely in,
 ' Grow Strong, Luxuriant, and Bold in Sin;
 ' True to no Principles, press forward still,
 ' And only bound by Appetite their Will:
 ' Now fawn and flatter, while this Tide prevails,
 ' But shift with every veering Blast their Sails.
 ' Mark those that meanly truckle to your Power,
 ' They once deserted, and chang'd Sides before,
 ' And would to morrow *Mahomet* adore!
 ' On higher Springs true Men of Honour move,
 ' Free is their Service, and unbought their Love:
 ' When Danger calls, and Honour leads the Way,
 ' With Joy they follow, and with Pride obey:

' When

' When the Rebellious Foe came rolling on,
 ' And shook with gathering Multitudes the Throne,
 ' Where were the Minions then? What Arms, what
 (Force,
 ' Cou'd they oppose to stop the Torrent's Course?

' Then *Pembroke*, then the Nobles firmly stood,
 ' Free of their Lives, and lavish of their Blood;
 ' But when your Orders to mean Ends decline,
 ' With the same Constancy they all resign.

Thus spake the Youth, who open'd first the way,
 And was the *Phosphorous* to the dawning Day;
 Follow'd by a more glorious splendid Host,
 Than any Age, or any Realm can boast:
 So great their Fame, so numerous their Train,
 To name were endless, and to praise in vain;
 But *HERBERT*, and great *OXFORD* merit more,
 Bold is their Flight, and more sublime they soar;

So high their Virtue as yet wants a Name,
Exceeding Wonder, and surpassing Fame:
Rise, Glorious Church, erect thy Radiant Head,
The Storm is past, th' Impending Tempest fled:
Had Fate decreed thy Ruin or Disgrace,
It had not giv'n such Sons so brave a Race.
When for Destruction Heav'n a Realm designs,
The Symptoms first appear in slavish Minds:
These Men would prop a sinking Nation's Weight,
Stop falling Vengeance, and reverse ev'n Fate.
Let other Nations boast their fruitful Soil,
Their fragrant Spices, their rich Wine and Oil;
In breathing Colours, and in living Paint
Let them excel, their Mastery we grant.
But to instruct the Mind, to arm the Soul
With Virtue, which no Dangers can controul;
Exalt the Thought, a speedy Courage lend,
That Horror cannot shake, or Pleasure bend:
These are the *English* Arts, these we profess,
To be the same in Mis'ry and Success;

To teach Oppressors Law, assist the Good,
Relieve the Wretched, and subdue the Proud.
Such are our Souls: But what doth Worth avail,
When Kings commit to hungry Priests the Scale?
All Merit's light when they dispose the Weight,
Who either would embroil, or rule the State;
Defame those Heroes who their Yoke refuse,
And blast that Honesty they cannot use;
The Strength and Safety of the Crown destroy,
And the King's Power against himself employ;
Affront his Friends, deprive him of the Brave;
Bereft of these, he must become their Slave.
Men, like our Money, come the most in Play
For being base, and of a coarse Allay.
The richest Medals, and the purest Gold,
Of native Value, and exactest Mould,
By Worth conceal'd, in private Closets shine,
For vulgar Use too precious, and too fine;
Whilst Tin and Copper with new stamping bright,
Coin of base Metal, counterfeit and light,

Do all the Bus'ness of the Nation's Turn,
Rais'd in Contempt, us'd and employ'd in Scorn :
So shining Virtues are for Courts too bright,
Whose guilty Actions fly the searching Light ;
Rich in themselves, disdaining to aspire,
Great without Pomp, they willingly retire ;
Give place to Fools, whose rash misjudging Sense
Increases the weak Measures of their Prince ;
Prone to admire, and flatter him in Ease,
They study not his Good, but how to please ;
They blindly and implicitly run on,
Nor see those Dangers which the other than :
Who slow to act, each Bus'ness duly weigh,
Advise with Freedom, and with Care obey ;
With Wisdom fatal to their Interest, strive
To make their Monarch lov'd, and Nation thrive.
Such have no place where Priests and Women reign,
Who love fierce Drivers, and a looser Rein.

An EPISTLE

To the Right Honourable

CHARLES

Earl of Dorset and Middlesex

Occasion'd by His Majesty's Victory in

IRELAND.


 HAT? Shall the King the Nation's Ge-
 (nius raise,
 W


 And make us Rival our Great EDWARD's
 (Days;

Yet not one Muse, worthy a Conq'rour's Name,

Attend his Triumphs, and Record his Fame!

Oh, DORSET! You alone this Fault can mend,

The Muses Darling, Confident, and Friend?

The Poets are your Charge, and, if unfit,

You should be fin'd to furnish abler Wit;

Oblig'd

Oblig'd to quit your Ease, and draw agen,
To paint the Greatest Heroe, the Best Pen.

A Heroe, who thus early does out-shine
The Ancient Honours of his Glorious Line;
And, soaring more sublimely to Renown,
The Mem'ry of their pious Triumphs drown:
Whose Actions are deliver'd o'er to Fame,
As Types, and Figures of his greater Name.

When Fate some mighty Genius has design'd,
For the Relief, and Wonder of Mankind,
Nature takes Time to answer the Intent,
And climbs, by slow Degrees, the steep Ascent:
She toils, and labours with the growing Weight,
And watches carefully the Steps of Fate;
Till all the Seeds of Providence unite,
To set the Heroe in a happy Light;
Then, in a lucky and propitious Hour,
Exerts her Force, and calls forth all her Pow'r.

In

In NASSAU's Race she made this long Essay;
 Heroes and Patriots prepar'd the Way,
 And promis'd, in their Dawn, this brighter Day;
 A Publick Sp'rit distinguish'd all the Line,
 Successive Virtues in each Branch did shine,
 'Till this last Glory rose, and Crown'd the great
 (Design.)

Blest be his Name! and peaceful lie his Grave,
 Who durst his Native Soil, lost *Holland*, save!
 But WILLIAM's Genius takes a wider Scope,
 And gives the injur'd, in all Kingdoms, Hope:
 Born to subdue insulting Tyrant's Rage,
 The Ornament, and Terror, of the Age;
 The Refuge, where afflicted Nations find
 Relief from those Oppressors of Mankind,
 Whom Laws restrain not, and no Oaths can bind.
 Him, their Deliv'rer *Europe* does confess,
 All Tongues extol, and all Religions bless;

The Po, the Danube, Bætis, and the Rhine,
United in his Praise, their Wonder join:
While, in the Publick Cause, he takes the Field,
And shelter'd Nations fight behind his Shield.
His Foes themselves dare not Applause refuse:

And shall such Actions want a Faithful Muse?
Poets have this to boast; Without their Aid,
The freshest Lawrels, nipp'd by Malice, fade,
And Virtue to Oblivion is betray'd:
The proudest Honours have a narrow Date,
Unless they vindicate their Names from Fate.

But who is equal to sustain the Part!
D——n has Numbers, but he wants a Heart;
Enjoyn'd a Penance (which is too severe
For playing once the Fool) to persevere.
Others, who knew the Trade, have laid it down;
And, looking round, I find you stand alone.

How,

How, Sir! can you, or any *English* Muse,
Our Country's Fame, our Monarch's Arms, refuse?

'Tis not my Want of Gratitude, but Skill,
Makes me decline what I can ne'er fulfil:
I cannot sing of Conquests, as I ought,
And my Breath fails to swell a lofty Note.
I know my Compass, and my Muse's Size,
She loves to Sport and Play, but dares not rise;
Idly affects, in this familiar Way,
In easy Numbers loosely to convey,
What mutual Friendship wou'd at Distance say.

Poets assume another Tone and Voice,
When Victory's their Theme, and Arms their Choice.
To follow Heroes in the Chace of Fame,
Asks Force, and Heat, and Fancy wing'd with Flame,
What Words can paint the Royal Warrior's Face?
What Colours can the Figure boldly raise?

When

When cover'd o'er with comely Dust and Smoke,
 He pierc'd the Foe, and thickest Squadrons broke:
 His bleeding Arm, still painful with the Sore,
 Which, in his Peoples Cause, the Pious Father bore:
 Whom, cleaving through the Troops a Glorious Way,
 Not the united Force of *France*, and Hell, cou'd stay.

Oh, *DORSET*! I am rais'd! I'm all on fire!
 And, if my Strength could answer my Desire,
 In Speaking Paint this Figure should be seen,
 Like *Jove* his Grandeur, and like *Mars* his Mien;
 And Gods descending should adorn the Scene.

See, See! Upon the Banks of *Boyn* he stands,
 By his own View adjusting his Commands;
 Calm and serene the Armed Coast surveys,
 And, in cool Thoughts, the diff'rent Chances weighs:
 Then, fir'd with Fame, and eager of Renown,
 Resolves to end the War, and fix the Throne.

D

From

From Wing to Wing the Squadrons bending stand,
 And close their Ranks to meet their King's Command;
 The Drums and Trumpets sleep, the Sprightly Noise
 Of neighing Steeds, and Canons louder Voice,
 Suspended in Attention, banish far
 All Hostile Sounds, and hush the Din of War:
 The silent Troops stretch forth an eager Look,
 List'ning with joy, while thus their Gen'ral spoke.

' Come, Fellow-Soldiers, Follow me once more,
 And for the Fate of Europe on that Shore
 Your Courage only waits from me the Word,
 But England's Happiness commands my Sword:
 No War Defence I ever Part will bear,
 The Soldier's Danger, and the Prince's Care,
 And envy any Arm an equal Share.
 For all that's dear to Men before your Sight,
 For Laws, Religion, Liberty, we fight;
 To save your Wives from Rape, your Towns from
 Redeem your Country sold, and vindicate her Name:

' At whose Request and timely Call I rose,
 ' To tempt my Fate, and all my Hopes expose;
 ' Struggled with adverse Storms, and Winter Seas;
 ' That in my Labours you might find your Ease,
 ' Let other Monarchs dictate from afar,
 ' And write the empty Triumphs of their War,
 ' In lazy Palaces supinely rust;
 ' My Sword shall justify my People's Trust,
 ' For which——But I your Victory delay;
 ' Come on; I, and my Genius lead the Way.

He said: New Life and Joy ran through the Host,
 And Sense of Danger in their Wonder lost;
 Precipitate they plunge into the Flood,
 In vain the Waves, the Banks, the Men withstood.
 The KING leads on, the KING does all inflame,
 The KING——and carries Millions in the Name.

As when the swelling Ocean bursts his Bounds,
 And, foaming, overwhelms the neighb'ring Grounds,

The roaring Deluge, rushing headlong on,
 Sweeps Cities in its Course, and bears whole Forests
 So on the Foe the firm Battallions press, (down;
 And He, like the Tenth Wave, drove on the rest;
 Fierce, Gallant, Young, he shot thro' ev'ry Place,
 Urging their Flight, and hurrying on the Chace,
 He hung upon their Rear, or lighten'd in their Face.

Stop! stop! brave Prince! Allay that Gen'rous
 Enough is giv'n to *England*, and to Fame. (Flame,

Remember, Sir, you in the Center stand,

Europe's divided Int'rests you command,

All their Designs uniting in your Hand;

Down from your Throne descends the Golden Chain,

Which does the Fabrick of our World sustain;

That once dissolv'd by any Fatal Stroke,

The Scheme of all our Happiness is broke.

Stop! stop! brave Prince! Fleets may repair again,

And routed Armies rally on the Plain,

But Ages are requir'd to raise so Great a Man!

Hear,

Hear, how the Waves of *French* Ambition roar,
 Disdaining Bounds, and breaking on the Shore,
 Which you, ordain'd to curb their wild-destructive
 (Pow'r,
 That Strength remov'd; Again, again, they flow,
 Lay *Europe* waste, nor Laws, nor Limits know.

(Sir, faint?
 Stop! stop! brave Prince!—What, does your Muse,
 Proceed, pursue his Conquests——Faith, I can't:
 My Spirits sink, and will no longer bear;
 Rapture and Fury carry'd me thus far
 Transported and amaz'd——
 That Rage once spent, I can no more sustain
 Your Flights, your Energies, and Tragic Strain,
 But fall back to my Nat'ral Pace again;
 In humble Verse provoking you to Rhime,
 I wish there were more **DORSETS** at this Time.

Oh! if in *France* this Heroe had been born,
 What Glittering Tinsel wou'd his Acts adorn!

There

There 'tis Immortal Fame, and High Renown,
 To steal a Country, and to buy a Town:
 Their Triumphs are o'er Kings and Kingdoms fold,
 And Captive Virtue led in Chains of Gold.
 If Courage cou'd, like Courts, be kept in Pay,
 What Sums wou'd *Lewis* give, that *France* might say,
 That Vict'ry follow'd where he led the Way?
 He all his Conquests wou'd for this refund,
 And take th' Equivalent, a Glorious Wound.
 Then, what Advice, to spread his real Fame,
 Wou'd pass between *Versailles* and *Noſtredame*?
 Their Plays, their Songs, wou'd dwell upon his Wound,
 And Operas repeat no other Sound;
Boyne wou'd, for Ages, be the Painter's Theme,
 The Goblin's Labour, and the Poet's Dream;
 The wounded Arm wou'd furnish all their Rooms,
 And bleed for ever Scarlet in the Looms:
Boileau with this wou'd plume his artful Pen:
 And can your Muse be silent? Think again:

Spare

Now, all in Joy, she gilds the chearful Court,

Spare your Advice; and since you have begun,
Finish your own Design; the Work is done.

Done! Nothing's done: Not the dead Colours laid,
And the most Glorious Scenes stand undisplay'd;
A Thousand Gen'rous Actions close the Rear,
A Thousand Virtues, still behind, stand crowding to
(appear.

The Queen her self, the Charming Queen shou'd
(grace

The Noble Piece, and in an artful Place,
Softens War's Horror with her lovely Face.
Who can omit the Queen's auspicious Smile,
The Pride of the Fair Sex, the Goddess of our Ill?
Who can forget, what all admir'd of late,
Her Fears for him, her Prudence for the State,
Dissembling Cares, she smooth'd her Looks with Grace,
Doubts in her Heart, and Pleasure in her Face,
As Danger did approach, her Spirits rose,
And, putting on the King, dismay'd his Foes. Now,

In ev'ry Glance descending Angels sport.
As on the Hills of *Cyntbus*, or the Meads
Of cool *Eurotas*, when *Diana* leads
The Chorus of her Nymphs, who there advance
A Thousand shining Maids, and form the Dance :
The stately Goddess, with a graceful Pride,
Sweet and Majestic, does the Figure guide ;
Treading in just and easy Measures round
(The silver Arrows on her Shoulder sound)
She walks above them All. Such is the Scene
Of the Bright Circle, and the Brighter QUEEN.

These Subjects do, my Lord, your Skill command,
These none may touch with an Unhallow'd Hand :
Tender the Strokes must be, and nicely writ,
Disguis'd Encomiums must be hid in Wit,
Which Modesty, like theirs, will e'er admit,
Who made no other Steps to such a Throne,
But to Deserve, and to Receive, the Crown.

THE

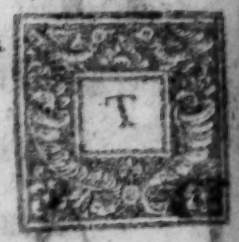
THE
HIND
AND THE
PANTHER
TRANSVERS'D

To the Story of
The Country-Mouse and the City-Mouse.

Much Malice mingled with a little Wit. Hind. Pan.
Nec vult Panthera domari. Quæ Genus.



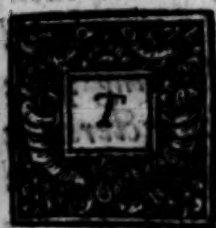
THE PREFACE



HE Fanciers of the Hind and
Particular of the Hind is its
Defence, that the best Things
are capable of being made
Riches, and that the Hind
Burdens, and Virgil, and
passing through the Hind
that Burdens, and that in the manner
the Hind and the Hind is an exact
Poem, though the subject of our
But there is the Hind
that we forget the Hind
this naturally falls into
not being mixed with a little
unnatural, which is not exactly
ginal. But, as to the Hind
not as easy to imagine and
Coachmen, and jumping in the Devil, as to
Hermits Cell, discussing the Hind
of Religion, and telling you the Hind
gues with very good Spanish, and
more improbable and contradictory to the
Rules



P R E F A C E.



THE Favourers of the Hind and Panther will be apt to say in its Defence, That the best Things are capable of being turn'd to Ridicule; that Homer has been Burlesqu'd, and Virgil Travestied, without suffering any thing in their Reputation from that Buffoonry; and that in like manner, the Hind and the Panther may be an exact Poem, though 'tis the Subject of our Raillery: But there is this Difference, that those Authors are wrested from their true Sense, and this naturally falls into Ridicule; there is nothing represented here as monstrous and unnatural, which is not equally so in the Original. First, as to the general Design, Is it not as easy to imagine two Mice bilking Coachmen, and supping at the Devil; as to suppose a Hind entertaining the Panther at a Hermit's Cell, discussing the greatest Mysteries of Religion, and telling you her Son Rodriguez writ very good Spanish? What can be more improbable and contradictory to the

Rules and Examples of all Fables, and to the very Design and Use of them? They were first begun and raised to the highest Perfection in the Eastern Countries; where they wrote in Signs and spoke in Parables, and delivered the most useful Precepts in delightful Stories; which for their Aptness were entertaining to the most Judicious, and led the Vulgar into understanding by surprizing them with their Novelty and fixing their Attention. All their Fables carry a double Meaning; the Story is one and entire; the Characters the same throughout, not broken nor chang'd, and always conformable to the Nature of the Creatures they introduce. They never tell you that the Dog which snapt at a Shadow, lost his Troop of Horse, that would be unintelligible; a Piece of Flesh is proper for him to drop, and the Reader will apply it to Mankind; They would not say that the Daw, who was so proud of her barrow'd Plumes, look'd very ridiculous when Rodriguez came and took away all the Book but the 17th, 24th, and 25th Chapters, which she stole from him. But this is his new way of telling a Story, and confounding the Moral and the Fable together.

Before the Word was written, said the Hind,
Our Saviour preach'd the Faith to all Mankind.

What

What Relation has the Hind to our Saviour? or what Notion have we of a Panther's Bible? If you say he means the Church, how does the Church feed on Lions, or range in the Forest? Let it be always a Church, or always the cloven-footed Beast, for we cannot bear his shifting the Scene every Line. If it is absurd in Comedies to make a Peasant talk in the Strain of a Heroe, or a Country Wench use the Language of the Court; how monstrous is it to make a Priest of a Hind, and a Parson of a Panther? To bring 'em in disputing with all the Formalities and Terms of the School? Though as to the Arguments themselves, those, we confess, are suited to the Capacity of the Beasts; and if we would suppose a Hind expressing her self about these Matters, she would talk at that Rate.

As to the Absurdity of his Expressions, there is nothing wrested to make 'em ridiculous, the Terms are sometimes alter'd to make the Blunder more visible; Knowledge misunderstood is not at all better Sense than Understanding misunderstood, though 'tis confess'd the Author can play with Words so well, that this and twenty such will pass off at a slight reading.

There are other Mistakes which could not be brought in, for they were too gross for Bayes

Difference
betwixt a
Protestant
and Socini-
an, p. 62.

Page 92.

Bayes himself to commit. 'Tis hard to conceive how any Man could censure the Turks for Gluttony, a People that debauch in Coffee, are voluptuous in a Mess of Rice, and keep the strictest Lent, without the Pleasures of a Carnival to encourage them. But 'tis almost impossible to think that any Man who had not renounced his Senses, should read Duncomb for Allen: He had been told, that Mr. Allen had written a Discourse of Humility; to which he wisely answers, That that magnified Piece of Duncomb's was translated from the Spanish of Rodriguez; and to set it beyond Dispute, makes the infallible Guide affirm the same thing. There are few Mistakes, but one may imagine how a Man fell into them, and at least what he aim'd at; but what Likeness is there between Duncomb and Allen? Do they so much as Rhime?

Page 90.

Pref.

We may have this Comfort under the Severity of his Satyr, to see his Abilities equally lessen'd with his Opinion of us; and that he could not be a fit Champion against the Panther, till he had laid aside all his Judgment. But we must applaud his Obedience to his new Mother Hind; she Disciplin'd him severely; she commanded him, it seems, to Sacrifice his darling Fame; and to do it effectually, he publish'd this learned Piece. This is the favourable Construction we would put on his Faults, tho' he takes care to inform us, that

that it was done from no Imposition, but out of a natural Propensity he has to Malice, and a particular Inclination of doing Mischief. What else could provoke him to Libel the Court, Blaspheme Kings, abuse the whole Scotch Nation, rail at the greatest Part of his own, and lay all the Indignities imaginable on the only Establish'd Religion? And we must now Congratulate him this Felicity, that there is no Sect or Denomination of Christians, whom he has not abused. Page 87.

Thus far his Arms have with Success been crown'd.

Let Turks, Jews, and Infidels look to themselves; he has already begun the War upon them. When once a Conqueror grows thus dreadful, 'tis the Interest of all his Neighbours to oppose him; for there is no Alliance to be made with one that will face about, and destroy his Friends, and, like a second Almanzor, change Sides meerey to keep his Hand in Ure. This Heroick Temper of his has created him some Enemies, that did by no means affect Hostility; and he may observe this Candor in the Management, that none of his Works are concern'd in these Papers, but his last Piece; and I believe he is sensible this is a Favour. I was not ambitious of Laughing at any Perswasion, or making Religion the Subject of such a Trifle; so

so that no Man is here concern'd, but the Author himself, and nothing ridicul'd but his way of arguing.

But, Gentlemen, if you won't take it so, you must grant my Excuse is more reasonable than our Author's to the Dissenters.





T H E
H I N D
A N D T H E
P A N T H E R

Transvers'd to the Story of the
Country-Mouse and the City-Mouse.

Bayes. Johnson. Smith.

Johnson.

H AH! my old Friend Mr. *Bayes*,
what lucky Chance has thrown
me upon you? Dear Rogue, let
me embrace thee.

Bayes. Hold; at your Peril, Sir, stand
off, and come not within my Sword's Point;
for, if you are not come over to the Royal
Party, I expect neither fair War, nor fair
Quarter from you. Pref. p. 13

F

Johns.

Johns. How, draw upon your Friend? and assault your old Acquaintance? O' my *Conscience*, my Intentions were honourable.

Bayes. *Conscience!* Ay, ay, I know the
 Pref. *ibid.* Deceit of that Word well enough; let me have the *Marks* of your *Conscience* before I trust it; for if it be not of the same Stamp with mine, Gad I may be knock'd down for all your fair Promises.

Smith. Nay, prithee, *Bayes*, what damn'd Villany hast thou been about that thou'rt under these Apprehensions? Upon my Honour I'm thy Friend; yet thou lookest as sneaking and frighted as a Dog that has been worrying Sheep.

Bayes. Ay, Sir, *The Nation is in too high a Ferment for me to expect any Mercy*, or, I'gad, to trust any Body.
 Pref. *ibid.*

Smith. But why this to us, my old Friend, who you know never trouble our Heads with National Concerns, till the third Bottle has taught us as much of Politicks, as the next does of Religion?

Bayes. Ah, Gentlemen, leave this Prophaneness; I am alter'd since you saw me, and cannot bear this loose Talk now: Mr. *Johnson*, you are a Man of Parts, let me desire you to read *the Guide of Controversy*; and Mr. *Smith*, I would recommend to you *the Considerations on the Council of Trent*; and so, Gentlemen, your humble Servant—— Good Life be now my Task.

Johns. Nay, Faith, we won't part so: Believe us we are both your Friends; let us step to the *Rose* for one Quarter of an Hour, and talk over old Stories.

Bayes. I ever took you to be Men of Honour, and for your sakes I will transgress as far as one Pint.

Johns. Well, Mr. *Bayes*, many a merry Bout have we had in this House, and shall have again I hope: Come, what Wine are you for?

Bayes. Gentlemen, do you as you please; for my part, he shall bring me a single Pint of any thing.

Smith. How so, Mr. *Bayes*, have you lost your Palate? you have been more curious.

Bayes. True, I have so; but *Senses* must be starv'd, that the *Soul* may be gratified. Men of your Kidney make the *Senses* the Supreme Judge, and therefore bribe 'em high, but we have laid both the Use and Pleasure of 'em aside.

Page 21.

Smith. What, is not there good eating and drinking on both Sides? You make the Separation greater than I thought it.

Bayes. No, no; whenever you see a fat Rosy-colour'd Fellow, take it from me, he is either a Protestant or a Turk.

Ibid.

Johns. At that rate, Mr. *Bayes*, one might suspect your Conversion; methinks thou hast as much the Face of an *Heretick* as ever I saw.

F 2

Bayes.

Page 5.

Bayes. Such was I, such by Nature still I am. But I hope e're long I shall have drawn this pumper'd Paunch fitter for the straight Gate.

Smith. Sure, Sir, you are in ill Hands, your Confessor gives you more severe Rules than he practises; for not long ago, a fat Friar was thought a true Character.

Bayes. Things were misrepresented to me. I confess I have been unfortunate in some of my Writings; but since you have put me upon that Subject, I'll show you a thing I have in my Pocket shall wipe off all that, or I am mistaken.

Smith. Come, now thou art like thy self again. Here's the King's Health to thee — Communicate.

Bayes. Well, Gentlemen, here it is; and I'll be bold to say, the exactest Piece the World ever saw, a *Non-Pareillo* I faith. But I must bespeak your Pardons, if it reflects any thing upon your Persuasion.

Johns. Use your Liberty, Sir; you know we are no *Bigots*.

Bayes. Why, then you shall see me lay the Reformation on its back, I'gad, and justify our Religion by way of *Fable*.

Johns. An apt Contrivance indeed! what do you make a *Fable* of your Religion?

Bayes. Ay, I'gad, and without Morals too; for I tread in no Man's Steps; and to show you how far I can out-do any thing that ever

was

was writ in this Kind, I have taken *Horace's* Design, but, I'gad, have so out-done him, you shall be asham'd for your old Friend. You remember in him the Story of the *Country-Mouse*, and the *City-Mouse*: What a plain simple thing it is; it has no more Life and Spirit in it, I'gad, than a Hobby-horse; and his *Mice* talk so meanly, such common Stuff, so like *meer Mice*, that I wonder it has pleas'd the World so long. But now will I undeceive *Mankind*, and teach 'em to beighten, and elevate a *Fable*. I'll bring you in the very same *Mice* disputing the Depth of *Philosophy*, searching into the Fundamentals of *Religion*, quoting *Texts*, *Fathers*, *Councils*, and all that, I'gad, as you shall see either of 'em could easily make an *Als* of a *Country Vicar*. Now whereas *Horace* keeps to the dry naked Story, I have more Copiousness than to do that, I'gad. Here I draw you general *Characters*, and describe all the *Beasts* of the *Creation*; there I launch out into long *Digressions*, and leave my *Mice* for twenty Pages together; then I fall into *Raptures*, and make the finest *Soliloquies*, as would ravish you. Won't this do, think you?

Johns. Faith, Sir, I don't well conceive you; all this about two *Mice*?

Bayes. Ay, why not? Is it not great and Heroical? But come, you'll understand it better when you hear it; and pray be as se-

vere

vere as you can ; I'gad, I defy all Criticks.
Thus it begins:

Page 1.

*A Milk-white Mouse immortal and unchang'd,
Fed on soft Cheese, and o're the Dairy rang'd ;
Without, unspotted ; innocent within,
She fear'd no Danger, for she knew no Guin.*

Johns. Methinks, Mr. Bayes, soft Cheese is a little too coarse Diet for an immortal Mouse ; were there any Necessity for her eating, you should have consulted *Homer* for some *Cœlestial Provision*.

Bayes. Faith, Gentlemen, I did so ; but indeed I have not the *Latin* one, which I have mark'd, by me, and could not readily find it in the Original.

Page 1.

*Yet bad she oft been scar'd by bloody Claws
Of winged Owls, and stern Grimalkins Paws*

Page 2.

*Aim'd at her destin'd Head, which made her fly,
Tho' she was doom'd to Death, and fated not to dye.*

Smith. How came She that fear'd no Danger in the Line before, to be scar'd in this, Mr. Bayes ?

Bayes. Why then you may have it *chas'd*, if you will ; for I hope a Man may run away without being afraid, mayn't he ?

Johns. But pray give me leave ; how was She doom'd to Death, if She was fated not to dye : Are not Doom and Fate much the same thing ?

Bayes.

Bayes. Nay, Gentlemen, if you question my Skill in the Language, I'm your humble Servant; the Rogues the Criticks, that will allow me nothing else, give me that; sure I that made the Word, know best what I meant by it: I assure you, *doom'd* and *fated*, are quite different things.

Smith. Faith, Mr. Bayes, if you were *doom'd* to be hang'd, whatever you were *fated* to, 'twould give you but small Comfort.

Bayes. Never trouble your Head with that, Mr. Smith, mind the Business in hand.

Not so her young; their Linsy-woolsey Line,
Was Hero's Make, half Human, half Divine.

Page 2.

Smith. Certainly these Heroes, half Human, half Divine, have very little of the Mouse their Mother.

Bayes. Gadfokers! Mr. Johnson, does your Friend think I mean nothing but a Mouse by all this? I tell thee, Man, I mean a Church, and these young Gentlemen her Sons, signify Priests, Martyrs, and Confessors, that were hang'd in Oats's Plot. There's an excellent Latin Sentence, which I had a mind to bring in, *Sanguis Martyrum Semen Ecclesiæ*, and I think I have not wrong'd it in the Translation.

Of

Page 2.

*Of these a slaughter'd Army lay in Blood,
Whose sanguine Seed increas'd the sacred Brood ;
She multiply'd by these, now rang'd alone,
And wander'd in the Kingdoms once her own.*

Page 3.

Smith. Was She alone when the sacred Brood was increased.

Bayes. Why, thy Head's running on the Mouse again ; but I hope a Church may be alone, tho' the Members be increased, mayn't it ?

Johns. Certainly, Mr. Bayes, a Church which is a diffusive Body of Men, can much less be said to be alone.

Bayes. But are you really of that Opinion ? Take it from me, Mr. Johnson, you are wrong ; however, to oblige you, I'll clap in some Simile or other, about the Children of Israel, and it shall do.

Smith. Will you pardon me one Word more, Mr. Bayes ? What could the Mouse (for I suppose you mean her now) do more than range in the Kingdoms, when they were her own ?

Bayes. Do ? why She reign'd ; had a Diadem, Scepter and Ball, till they depos'd her.

Smith. Now her Sons are so increas'd, She may try t'other pull for't.

Bayes. I'gad, and so She may before I have done with Her ; it has cost me some Pains to clear Her Title. Well, but Mum for that, Mr. Smith.

The

The common Hunt, She timorously pass'd by,
For they made tame, disdain'd Her Company; Page 3.
They grin'd, She in a fright scrip o're the Green,
For She was low'd, where-ever She was seen.

Johns. Well said little Bayes; I faith the
Critick must have a great deal of leisure,
that attacks those Verses.

Bayes. I gad, I'll warrant him, who e're
he is, offendet solido; but I go on.

The Independent Beast —

Page 3.

Smith. Who is that, Mr. Bayes?

Bayes. Why, a Bear: Pox, is not that
obvious enough?

— In Groans Her Hate express'd.

Which, I gad, is very natural to that Ani-
mal. Well! there's for the Independent:
Now the Quaker; what do you think I call
him?

Smith. Why, a Bull, for ought I know.

Bayes. A Bull! O Lord! A Bull! no, no,
a Hare, a quaking Hare — Amarillis, be-
cause She wears Armour, 'tis the same Fi-
gure; and I am proud to say it, Mr. John-
son, no Man knows how to pun in Heroics
but my self. Well, you shall hear.

She thought, and Reason good, the quaking Hare Page 3.
Her cruel Foe, because She would not swear,
And had profess'd Neutrality.

G

Johns.

Johns. A shrewd Reason that, Mr. Bayes ;
but what Wars were there ?

Bayes. Wars ! why, there had been
bloody Wars, tho' they were pretty well re-
concil'd now. Yet to bring in two or three
such fine things as these, I don't tell you
the Lyon's Peace was proclaimed till fifty
Pages after, tho' 'twas really done before I
had finish'd my Poem.

Page 3.

*Next Her, the Buffoon Ape his Body bent,
And paid at Church a Courtier's Compliment.*

That gauls somewhere ; I'gad I can't leave
it off, tho' I were cudgell'd every Day for it.

Page 4.

The bristl'd Baptift Boar, impure as he.

Smith. As who ?

Bayes. As the Courtier ; let 'em e'en take
it as they will, I'gad, I seldom come amongst
'em.

Page 10.

Was whiten'd with the Foam of Sanctity.

*The Wolf with Belly-gaunt his rough Crest rears,
And pricks up.*———Now in one Word

will I abuse the whole Party most damnably
——and pricks up———I'gad, I am sure
you'll laugh ——his predestinating Ears.

Prithee Mr. Johnson, remember little Bayes,
when next you see a Presbyterian, and take
notice if he has not Predestination in the
Shape of his Ear : I have studied Men so
long,

long, I'll undertake to know an *Arminian*, by the setting of his Wig.

His predestinating Ears. I'gad, there's ne're a *Presbyterian* shall dare to show his Head without a Border: I'll put 'em to that Expende.

Smith. Pray, Mr. *Bayes*, if any of 'em should come over to the *Royal Party*, would their Ears alter?

Bayes. Would they? Ay, I'gad, they would shed their *Fanatical Lugs*, and have just such well-turn'd *Ears* as I have; mind this *Ear*, this is a true *Roman Ear*, mine are much chang'd for the better within this two Years.

Smith. Then, if ever the Party should chance to fail, you might lose 'em; for what may change, may fall.

Bayes. Mind, mind——

These fiery Zuinglius, meagre Calvin bred.

Page 11.

Smith. Those, I suppose, are some Outlandish Beasts, Mr. *Bayes*.

Bayes. Beasts; a good Mistake! Why, they were the chief *Reformers*; but here I put 'em in so bad Company because they were Enemies to my *Mause*; and anon when I am warm'd, I'gad, you shall hear me call 'em *Doctors*, *Captains*, *Horses*, and *Horsemen*, in the very same Breath. You shall hear how I go on now,

Page 39

Page 11.

Or else reforming Corab spawn'd this Clasp,
When opening Earth made way for all to pass.

Johns. For all, Mr. Bayes?

Bayes. Yes, they were all lost there, but
some of 'em were thrown up again at the
Leman-Lake: as a Catholick Queen, sunk at
Charing-Cross, and rose again at Queenhith.

Page 11.

The Fox and he came shuffled in the Dark,
If ever they were show'd in Noah's Ark.

Here I put a Quare, Whether there were
any Socinians before the Flood, which I am
not very well satisfied in? I have been lately
apt to believe that the World was drown'd
for that Heresy; which among Friends made
me leave it.

Page 12.

Quick'ned with Fire below, these Monsters breed
In Fenny Holland, and in Fruitful Tweed.

Now to write something new and out of the
way, to elevate and surprise, and all that,
I fetch, you see, this Quickning Fire from
the Bottom of Bogs and Rivers.

Johns. Why, Faith, that's as ingenious a
Contrivance as the Virtuoso's making a Burn-
ing-Glass of Ice.

Bayes. Why, was there ever any such
thing? Let me perish, if ever I heard of it.
The Fancy was sheer new to me, and I
thought

thought no Man had reconcil'd those Elements but my self. Well, Gentlemen! Thus far I have followed Antiquity; and as *Homer* has numbred his Ships, so I have rang'd my Beasts. Here is my *Boar* and my *Bear*, and my *Fox*, and my *Wolf*, and the rest of 'em, all against my poor *Mouse*. Now, what do you think I do with all these?

Smith. Faith, I don't know; I suppose you make 'em fight.

Bayes. Fight! I'gad, I'd as soon make 'em dance. No, I do no earthly thing with 'em; nothing at all, I'gad: I think they have play'd their Parts sufficiently already; I have walk'd 'em out, shew'd 'em to the Company, and rais'd your Expectation. And now whilst you hope to see 'em bated, and are dreaming of Blood and Battels, they sculk off, and you hear no more of 'em.

Smith. Why, Faith, Mr. *Bayes*, now you have been at such Expence in setting forth Characters, it had been too much to have gone through with 'em.

Bayes. I'gad, so it had: And then I'll tell you another thing, 'tis not every one that reads a Poem through. And therefore I fill the first Part with Flowers, Figures, fine Language, and all that; and then I'gad sink by degrees, till at last I write but little better than other People. And whereas most Authors creep servilely after the old Fellows,

and

and strive to grow upon their Readers ; I take another Course, I bring in all my Characters together, and let 'em see I could go on with 'em ; but, I'gad, I won't.

Johns. Could go on with 'em, Mr. Bayes ? there's no body doubts that ; You have a most particular Genius that way.

Bayes. Oh ! dear Sir, You are mighty obliging : But I must needs say, at a *Fable* or an *Emblem*, I think no Man comes near me ; indeed I have studied it more than any Man. Did you ever take notice, Mr. *Johnson*, of a little thing that has taken mightily about Town, a *Cat with a Top-knot* ?

Johns. Faith, Sir, 'tis mighty pretty ; I saw it at the Coffee-House.

Bayes. 'Tis a Trifle hardly worth owning ; I was t'other Day at *Will's* throwing out something of that Nature ; and I'gad, the Hint was taken, and out came that Picture ; indeed the poor Fellow was so civil to present me with a Dozen of 'em for my Friends, I think I have one here in my Pocket ; would you please to accept it, Mr. *Johnson* ?

Johns. Really 'tis very ingenious.

Bayes. Oh Lord ! Nothing at all, I could design twenty of 'em in an Hour, if I had but witty Fellows about me to draw 'em. I was proffer'd a Pension to go into *Holland*, and contrive their *Emblems* : But, hang 'em, they are dull Rogues, and would spoil my Invention. But come, Gentlemen, let us return

return to our Business, and here I'll give you a delicate Description of a Man.

Smith. But how does that come in?

Bayes. Come in? very naturally. I was talking of a *Wolf*, and that supposes a *Wood*; and then I clap an Epithet to't, and call it a *Celtic Wood*: Now when I was there, I could not help thinking of the *French Persecution*; and, I'gad, from all these Thoughts I took occasion to rail at the *French King*, and show that he was not of the same Make with other Men, which thus I prove.

*The Divine Blacksmith in th' Abyss of Light,
Yawning and lolling with a careless Beat,
Struck out the mute Creation at a Heat.*

Page 15.

But he work'd hard to hammer out our Souls,
He blew the Bellows, and stirr'd up the Coals;
Long time he thought, and could not on a sudden
Knead up with unskim'd Milk this Reas'ning

Page 16.

(Pudding:

Tender and mild within its Bag it lay,
Confessing still the Softness of its Clay,
And kind as Milk-Maids on their Wedding-day.
Till Pride of Empire, Lust, and hot Desire
Did over-boil him, like too great a Fire,
And understanding grown, misunderstood,
Burn'd him to th' Pot, and sour'd his curdled
(Blood.

Johns. But sure this is a little prophane,
Mr. Bayes.

Bayes. Not at all: Does not *Virgil* bring
in his God *Vulcan* working at the Anvil?

John.

Johns. Ay, Sir, but never thought his Hands the fittest to make a Pudding.

Bayes. Why, do you imagine him an Earthly dirty *Blacksmith*? Gad, you make it prophane indeed. I'll tell you there's as much Difference betwixt 'em, I'gad, as betwixt my Man and *Milton's*. But now, Gentlemen, the Plot thickens, here comes my t'other Mouse, the City Mouse.

Page 19. A *Spotted Mouse*, the prettiest next the *White*,
Ah! were her Spots wash'd out, as pretty quite,
Page 23. With *Phylacteries* on her Forehead spread,
Page 22. *Crozier* in Hand, and *Miter* on her Head,
Three Steeples *Argent* on her *Sable Shield*;
Page 84. Liv'd in the City, and disdain'd the Field.

Johns. This is a glorious Mouse indeed! but, as you have dress'd her, we don't know whether she be *Jew*, *Papist*, or *Protestant*.

Bayes. Let me embrace you, Mr. *Johnson*, for that; you take it right. She is a mere *Babel* of Religions, and therefore she's a *Spotted Mouse* here, and will be a *Mule* presently. But to go on.

This Princess—

Smith. What Princess, Mr. *Bayes*?

Bayes. Why, this Mouse; for I forgot to tell you, an *Old Lyon* made a *Left Hand Marriage* with her Mother, and begot on her Body *Elizabeth Schism*, who was married

to Timothy Sacrilege, and had Issue Grateless
Herefy: Who all give the same Coat with
their Mother, Three Steeples Argent, as I
told you before.

This Princess, tho' estrang'd from what was best,
Was least Deform'd, because Reform'd the least. Page 23.

There's De and Re as good I'gad as ever was.

She in a Masquerade of Mirth and Love,
Mistook the Bliss of Heaven for Bacchinal's above,
And grubb'd the Thorns beneath our tender Feet,
To make the Paths of Paradise more sweet. Page 21.

There's a jolly Mouse for you, let me see
any body else that can shew you such ano-
ther. Here, now I have one damnable se-
vere reflecting Line, but I want a Rhime to
it; can you help me, Mr. Johnson?

She——

Humbly content to be despis'd at Home,
Johns. Which is too narrow Infamy for some.

Bayes. Sir, I thank you; now I can go
on with it.

Whose Merits are diffus'd from Pole to Pole,
Where Winds can carry, and where Waves can rowl. Page 63.

Johns. But does not this reflect upon some
of your Friends, Mr. Bayes?

Bayes. 'Tis no matter for that, let me
alone to bring my self off. I'll tell you,
H Lately

Lately I writ a damn'd Libel on a whole Party, sheer Point and Satyr all through, I gad. Call'd 'em Rogues, Dogs, and all the Names I could think of, but with an exceeding deal of Wit; that I must needs say. Now it happen'd before I could finish this Piece, the Scheme of Affairs was altered, and those People were no longer Beasts. Here was a Plunge now: Should I lose my Labour, or libel my Friend? 'Tis not every Body's Talent to find a *Salvo* for this: But what do me I, but write a smooth delicate Preface, wherein I tell them that *the Satyr was not intended to them*; and this did the Business.

Smith. But if it was not intended to them against whom it was writ, certainly it had no Meaning at all.

Bayes. Poh! there's the Trick on't. Poor Fools, they took it, and were satisfied: And yet it maul'd 'em damnably, I gad.

Smith. Why, Faith, Mr. *Bayes*, there's this very Contrivance in the *Preface to Dear Joys Fests*.

Bayes. What, a Devil, do you think that I'd steal from such an Author? Or ever read it?

Smith. I can't tell; but you sometimes read as bad. I have heard you quote *Reynard the Fox*.

Bayes. Why, there's it now; take it from me, Mr. *Smith*, there is as good *Morality*, and as sound Precepts, in the *delectable History*

story of *Reynard the Fox*, as in any Book I know, except *Seneca*. Pray tell me where in any other Author could I have found so pretty a Name for a Wolf as *Isgrim*. But prithee, Mr. *Smith*, give me no more trouble, and let me go on with my *Mouse*.

One Ev'ning, when she went away from Court, *Page 29.*
Levee's and Couchee's pass'd without Resort.

There's Court Language for you; nothing gives a Verse so fine a turn, as an Air of good Breeding.

Smith. But methinks the *Levee's* and *Couchee's* of a *Mouse* are too great, especially when she's walking from Court to the cooler Shades.

Bayes. I gad, now have you forgot what I told you, that she was a *Princess*. But pray mind; here the two Mice meet.

She met the Country Mouse, whose fearful Face *Page 16.*
Bebeld from far the common watering Place,
Nor durst approach —

Smith. Methinks, Mr. *Bayes*, this Mouse is strangely alter'd, since she fear'd no Danger.

Bayes. Godfokers! Why, no more she does not yet fear either Man or Beast: But, poor Creature, she's afraid of the Water, for she could not swim, as you see by this.

Page 30.

Nor durst approach, till with an awful Roar,
The Sovereign Lion had her fear no more.

But besides, 'tis above thirty Pages off, that
I told you she fear'd no Danger; and, I'gad,
if you will have no Variation of the Cha-
racter, you must have the same thing over
and over again; 'tis the Beauty of Writing
to strike you still with something new.
Well, but to proceed,

Page 30

But when she had this sweetest Mouse in view,
Good Lord, how she admir'd her heavenly Hiew!

Here now, to show you I am Master of all
Stiles, I let my self down from the Majesty
of Virgil, to the Sweetness of Ovid.

Good Lord, how she admir'd her heavenly Hiew!

What more easy and familiar! I writ this
Line for the Ladies: The little Rogues will
be so fond of me to find I can yet be so ten-
der. I hate such a rough unhew'n Fellow
as Milton, that a Man must sweat to read
him; I'gad, you may run over this and be
almost asleep.

Th'Immortal Mouse who saw the Viceroy come
So far to see Her, did invite her Home.

There's

There's a pretty Name now for the *Spotted Mouse*, the *Viceroy*!

Smith. But pray, why d'e call her so?

Bayes. Why! because it sounds prettily:
I'll call her the *Crown-General* presently, if
I've a mind to it. Well. Page 55.

— did invite her Home
To smook a Pipe, and o're a sober Pot
Discourse of Oates, and Bedloe, and the Plot. Page 31.
She made a Court'sy, like a Civil Dame,
And, being much a Gentlewoman, came. Page 32.

Well, Gentlemen, here's my first Part finish'd, and I think I have kept my Word with you, and given it the *Majestick Turn of Heroick Poesy*. The rest being Matter of Dispute, I had not such frequent Occasion for the Magnificence of Verse, tho' I gad they speak very well. And I have heard Men, and considerable Men too, talk the very same things a great deal worse.

Johns. Nay, without doubt, Mr. Bayes, they have received no small Advantage from the Smoothness of your Numbers.

Bayes. Ay, ay, I can do it if I list; tho' you must not think I have been so dull as to mind these things my self, but 'tis the Advantage of our *Coffee-House*, that from their Talk one may write a very good *Polemical Discourse*, without ever troubling one's Head with the Books of *Controversy*. For I can take the slightest of their Arguments, and
clap

clap 'em pertly into four Verses, which shall stare any *London Divine* in the Face. Indeed your knotty Reasonings with a long Train of *Majors* and *Minors*, and the Devil and all, are too barbarous for my Stile; but, I'gad, I can flourish better with one of these twinkling Arguments, than the best of 'em can fight with t'other. But we return to our *Mouse*; and now I have brought 'em together, let 'em e'en speak for themselves, which they will do extremely well, or I am mistaken: And pray observe, Gentlemen, if in one you don't find all the Delicacy of a luxurious City-Mouse, and in the other all the plain Simplicity of a sober serious Matron.

Page 32. Dame, said the Lady of the spotted Muff,
Methinks your Tiff is sour, your Gates mere stuff.

There, did not I tell you she'd be nice?

Your Pipe's so foul, that I disdain to smook:
And the Weed worse than e're Tom. I--s took.

Smith. I did not hear she had a *spotted Muff* before.

Bayes. Why, no more she has not now: but she has a Skin that might make a *spotted Muff*. There's a pretty Figure now, unknown to the Ancients.

Leave,

Leave, leave († *she's earnest you see*) this hoary † *Poeta lo-*
(*Sbed and lonely Hills, quitur.*)

And eat with me at Groleau's, smoak at Will's.
What Wretch would nibble on a Hanging-Shelf,
When at Pontack's he may Regale himself?
Or to the House of cleanly Rhenish go;
Or that at Charing-Cross, or that in Channel-Row?

Do you mark me now? I would by this re-
present the Vanity of a Town-Fop, who
pretends to be acquainted at all those good
Houses, though perhaps he ne'er was in 'em.
But heark! she goes on.

Come, at a Crown a Head our selves we'll treat,
Champaign our Liquor, and Ragousts our Meat.
Then hand in hand we'll go to Court, dear Cuz,
To visit Bishop Martin, and King Buz.
With Evening Wheels we'll drive about the Park,
Finish at Locker's, and reel home i'th' Dark:
Break clattering Windows, and demolish Doors
Of English Manufactures---Pimps, and Whores.

Page 63.

Johns. Methinks a Pimp or a Whore is an
odd sort of a Manufacture, Mr. Bayes.

Bayes. I call 'em so, to give the Parlia-
ment a Hint not to suffer so many of 'em to
be exported, to the Decay of Trade at
home.

With these Allurements Spotted did invite,
From Hermis's Cell, the Female Profelyte.

Ob!

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(*Sbed and lonely Hills,* *quitar.*)

And eat with me at *Groleau's*, smok at *Will's*.
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When at *Pontack's* he may Regale himself?
Or to the House of cleanly *Rbenish* go;
Or that at *Cbaring-Cross*, or that in *Cbannel-Row*?

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present the Vanity of a *Town-Fop*, who
pretends to be acquainted at all those good
Houses, though perhaps he ne'er was in 'em.
But heark! she goes on.

Come, at a Crown a Head our selves we'll treat,
Champaign our Liquor, and *Ragousts* our Meat.
Then hand in hand we'll go to Court, dear Cuz,
To visit *Bishop Martin*, and *King Buz*.
With *Evening Wheels* we'll drive about the Park,
Finish at *Locker's*, and reel home i'th' Dark!
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Of *English Manufactures*---*Pimps*, and *Whores*.

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ment a Hint not to suffer so many of 'em to
be exported, to the Decay of Trade at
home.

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From *Hermis's Cell*, the Female Profelyte.

Ob!

*Oh! with what Ease we follow such a Guide,
Where Souls are starv'd, and Senses gratify'd.*

Now, would not you think she's going?
but, I'gad, you're mistaken; you shall hear
a long Argument about *Infallibility*, before
she stirs yet.

Page 65. But here the *White*, by *Observation* wise,
Who long on Heaven had fix'd her prying Eyes,
With thoughtful Countenance, and grave Re-
[mark,

Said, Or my Judgment fails me, or 'tis dark.
Lest therefore we should stray, and not go right,
Through the *brown Horror* of the Starless Night,
Page 37. Hast thou *Infallibility*, that Wight?

Sternly the Savage grin'd, and thus reply'd:

That Mice may err, was never yet deny'd.

That I deny, said the immortal Dame,

Page 37. There is a Guide---Gad, I've forgot his Name,
Who lives in *Heaven* or *Rome*, the Lord knows
[where;

Had we but him, Sweet-heart, we could not err.
But heark you, Sister, this is but a Whim;
For still we want a *Guide* to find out Him.

Spotted
Mouse,
loquitur.

Here, you see, I don't trouble my self to
keep on the Narration, but write *White*
Speaks, or *Dapple Speaks*, by the Side.
But when I get any noble Thought which I
envy a *Mouse* should say, I clap it down in
my own Person with a *Poeta loquitur*;
which, take notice, is a surer Sign of a fine
thing in my Writings, than a Hand in the
Mar-

Margin any where else. Well, now says
White :

What need we find Him, we have certain Proof
That he is somewhere, *Dame*, and that's enough?
For if there is a *Guide* that knows the Way,
Although we know not him, we cannot stray.

That's true, I'Gad: Well said, *White*.
You see her Adversary has nothing to say for
her self, and therefore to confirm the Victory,
she shall make a *Simile*.

Smith. Why, then I find Similes are as
good after Victory, as after a Surprise.

Bayes. Every jot, I'Gad, or rather better.
Well, she can do it two Ways, either about
Emission or *Reception* of Light, or else about
Epsom-Waters; but I think the last is most
familiar; therefore speak, my pretty one. Page 37.

As though 'tis controverted in the School,
If *Waters* pass by *Urine* or by *Stool*;
Shall we who are *Philosophers*, thence gather
From this Dissention that they work by neither.

And I'Gad, she's in the right on't; but
mind now, she comes upon her swop!

All this I did, your Arguments to try.

And I'Gad, if they had been never so
good, this next Line confutes 'em.

Hear, and be dumb, thou Wretch, that *Guide* am I. Page 54.

I

There's

There's a Surprize for you now! How sneakingly t'other looks? Was not that pretty now, to make her ask for a *Guide* first, and then tell her she was one? Who could have thought that this little *Mouse* had the *Pope* and a whole *General Council* in her Belly? Now *Dapple* had nothing to say to this; and therefore you'll see she grows peevish.

Page 101. Come, leave your Cracking Tricks, and as
(they say,
Use not that Barber that trims Time, Delay;
Which I'gad is new, and my own.

I've Eyes as well as you to find the Way.
Then on they jogg'd, and since an Hour of Talk
Might cut a Banter on the tedious Walk;
As I remember, said the sober Mouse,
I've heard much Talk of the Wits Coffee-House,
Thither, says Brindle, thou shalt go, and see
Priests sipping Coffee, Sparks and Poets Tea;
Here rugged Freeze, there Quality well dress'd,
These baffling the Grand-Signior, those the Test.
And hear shrew'd Guesses made, and Reasons
(giv'n,

Page 111. That human Laws were never made in Heaven
But above all, what shall oblige thy Sight,
And fill thy Eye-Balls with a vast Delight;
Is the Poetic Fudge of Sacred Wit,
Who do's i'th' Darkness of his Glory sit.

Page 28. And as the Moon who first receives the Light,
With which she makes these nether Regions bright;
So does He shine, reflecting from afar,
The Rays he borrow'd from a better Star;

For Rules which from *Corneille* and *Rapin* flow,
Admir'd by all the scribbling Herd below.
From *French Tradition* while he does dispence,
Unerring Truths, 'tis Schism, a damn'd Offence
To question his, or trust your private Sense.

Hah! Is not that right, Mr. *Johnson*?
Gad forgive me, he is fast asleep! Oh the
damn'd Stupidity of this Age! asleep! Well,
Sir, since you'r so drouzy, your humble
Servant.

Johns. Nay, pray Mr. *Bayes*, Faith I
heard you all the while. *The White Mouse*.

Bayes. The White Mouse! ay, ay, I
thought how you heard me. Your Servant,
Sir, your Servant.

Johns. Nay, dear *Bayes*, Faith I beg thy
Pardon; I was up late last Night; Prithee
lend me a little Snuff, and go on.

Bayes. Go on! Pox, I don't know where
I was. Well, I'll begin. Here, mind, now
they are both come to Town.

But now at *Piccadilly* they arrive, (drive;
And taking Coach, t'wards *Temple-Bar* they
But at *St. Clement's Church*, eat out the Back;
And slipping through the *Palsgrave*, bilkt poor
(Hack.

There's the *Utile* which ought to be in all
Poetry. Many a young *Templer* will save
his Shilling by this Stratagem of my Mice.

Smith. Why, will any young *Templer* cat
out the Back of a Coach?

Bayes. No, I gad; but you'll grant it is
mighty natural for a Mouse.

Thence to the Devil, and ask'd if *Chamicleer*,
Page 133. Of *Clergy kind*, or *Councillor Chough* was there;
Or *Mr. Dove*, a Pigeon of *Renown*,

Page 126. By his high *Crop*, and corny *Gizzard* known;

Page 130. Or *Sister Partlet*, with the *Hooded Head*:

No, Sir; She's booted hence, said *Will*, and fled.
Why so? Because she would not pray a-Bed.

Johns. aside. 'Sdeath! Who can keep
awake at such Stuff? Pray, *Mr. Bayes*, lend
me your Box again.

Bayes. *Mr. Johnson*, How d'e like that
Box? Pray take notice of it, 'twas given me
by a *Person* of *Honour* for looking over a
Paper of Verses; and indeed I put in all
the Lines that were worth any thing in the
whole Poem. Well, but where were we?
Oh! here they are, just going up Stairs in-
to the *Apollo*; from whence my *White* takes
Occasion to talk very well of *Tradition*.

Thus to the Place where *Johnson* sat, we climb,
Leaning on the same Rail that guided him.
And whilst we thus on equal Helps rely,
Our Wit must be as true, our Thoughts as high.
Page 45. For as an *Author* happily compares
Tradition to a well-fix'd pair of Stairs,
So this the *Scala Sancta* we believe,
By which his *Traditive Genius* we receive.

Thus

Thus every Step I take, my Spirits soar,
And I grow more a *Wit*, and more, and more.

There's Humour! Is not that the liveliest
Image in the World of a Mouse's going up
a Pair of Stairs. *More a Wit, and more and more?*

Smith. Mr. Bayes, I beg your Pardon
heartily; I must be rude, I have a particu-
lar Engagement at this Time, and I see you
are not near an end yet.

Bayes. Godfokers! Sure you won't serve
me so: All my finest Descriptions and best
Discourse is yet to come.

Smith. Troth, Sir, if 'twere not an ex-
traordinary Concern I could not leave you.

Bayes. Well; but you shall take a little
more; and here I'll pass over two dainty E-
pisodes of *Swallows, Swifts, Chickens, and*
Buzzards,

Johns. I know not why they should come
in, except to make yours the longest *Fable*
that ever was told.

Bayes. Why, the Excellence of a *Fable*
is in the length of it. *Æsop* indeed, like a
Slave as he was, made little, short, simple
Stories, with a dry Moral at the End of 'em;
and could not form any noble Design. But
here I give you *Fable* upon *Fable*; and after
you are satisfied with Beasts in the first
Course, serve you up a delicate Dish of Fowl
for the Second: Now I was at all this pains
to abuse one particular Person; for I'gad, I'll
tell

Varillas.

Page 137.

tell you what a Trick he serv'd me. I was once translating a very good *French Author*, but being something long about it, as you know a Man is not always in the Humour; What does this *Jack* do, but puts out an Answer to my Friend before I had half finished the Translation: So there was three whole Months lost upon his Account. But I think I have my Revenge on him sufficiently; for I let all the World know, that he is a *tall, broad-back'd, lusty Fellow*, of a *brown Complexion, fair Behaviour, a fluent Tongue*, and taking amongst the *Women*; and to top it all; that he's much a *Scholar*, more a *Wit*, and owns but *two Sacraments*. Don't you think this Fellow will hang himself? But besides, I have so nick'd his Character in a Name as will make you split. I call him----I'gad, I won't tell you unless you remember what I said of him.

Smith. Why, That he was much a *Scholar*, and more a *Wit*——

Bayes. Right; and his Name is *Buzzard*, ha! ha! ha.

Johns. Very proper indeed, Sir.

Bayes. Nay, I have a further Fetch in it yet than perhaps you imagine; for his true Name begins with a *B*, which makes me slyly contrive him this, to begin with the same Letter: There's a pretty Device, Mr. *Johnson*; I learn'd it, I must needs confess, from that ingenious Sport, I love my Love with

an

an *A*, because she is *Amiable*; and if you could but get a Knot of merry Fellows together, you should see how little *Bayes* would top 'em all at it, I gad.

Smith. Well, but good Faith, Mr. *Bayes*, I must leave you, I am half an Hour past my time.

Bayes. Well, I've done, I've done. Here are eight hundred Verses upon a rainy Night, and a Bird's Nest; and here's three hundred more, translated from two *Paris Gazettes*, in which the *Spotted Mouse* gives an Account of the Treaty of Peace between the *Czars* of *Muscovy*, and the *Emperor*; which is a Piece of News *White* does not believe, and this is her Answer. I am resolv'd you shall hear it, for in it I have taken Occasion to prove *Oral Tradition* better than *Scripture*. Now you must know, 'tis sincerely my Opinion, that it had been better for the World, if we ne'er had any *Bibles* at all.

E're that *Gazette* was printed, said the *White*,
Our *Robin* told another Story quite;
This *Oral Truth* more safely I believ'd,
My Ears cannot, your Eyes may be deceiv'd.
By Word of Mouth unerring Maxims flow,
And *Preaching's* best, if understood, or no;
Words, I confess, bound by, and trip so light;
We have not time to take a steady Sight;
Yet fleeting thus are plainer, than when writ,
To long Examination they submit.

Page 3

Hard things——Mr. *Smith*, if these two Lines don't recompence your Stay, ne'er trust *John Bayes* again.

Page 15. Hard things at the first Blush are clear and full;
God mends on second Thoughts, but Man grows dull.

I'gad, I judge of all Men by my self; 'tis so with me, I never strove to be very exact in any thing but I spoil'd it.

Smith. But allowing your Character to be true, is it not a little too severe?

Bayes. 'Tis no matter for that; these general Reflections are daring, and favour most of a noble Genius, that spares neither Friend nor Foe.

Johns. Are you never afraid of a drubbing for that daring of your noble Genius?

Bayes. Afraid! Why, Lord, you make so much of a beating, I'gad 'tis no more to me than a Flea-biting. No, no, if I can but be witty upon 'em, let 'em e'en lay on, I'Faith, I'll ne'er baulk my Fancy to save my Carcass. Well, but we must dispatch, Mr. *Smith*.

Thus did they merrily carouse all Day,
And like the gaudy Fly their Wings display,
And sip the Sweets, and bask in great Apollo's Ray.

Well, there's an End of the Entertainment; and, Mr. *Smith*, if your Affairs would

would have permitted, you would have heard the best *Bill of Fare* that ever was serv'd up in *Heroicks*: But here follows a Dispute shall recommend it self, I'll say nothing for it. For *Dapple*, who you must know was a *Protestant*, all this while trusts her own Judgment, and foolishly dislikes the Wine; upon which our *Innocent* does so run her down, that she has not one Word to say for her self, but what I put in her Mouth; and I'gad, you may imagine they won't be very good ones, for she has disobligh'd me, like an *Ingrate*.

Sirrah, says *Brindle*, Thou hast brought us Wine, Sowre to my Taste, and to my Eyes unfine. Says *Will*, all *Gentlemen* like it. Ah! says *White*, What is approv'd by them, must needs be right. 'Tis true, I thought it bad; but if the House Commend it, I submit; a private Mouse.

Page 38.

Mind that, mind the *Decorum*, and Deference, which our Mouse pays to the Company.

Nor to their *Catholic* Consent oppose
My erring Judgment, and reforming Nose.

Ah! ah! there she has nickt her; that's up to the Hilt, I'gad, and you shall see *Dapple* resents it.

K

Why,

Page 5.

Why, what a Devil shan't I trust my Eyes?
 Must I drink *Stum* because the *Rascal* lyes?
 And palms upon us *Catholic* Content,
 To give *Sophisticated Brewings* Vent.
 Says *White*, What ancient Evidence can sway,
 If you must argue thus, and not obey?
Drawers must be trusted, through whose Hands
 (convey'd,
 You take the *Liquor*, or you spoil the *Trade*.
 For sure those *honest Fellows* have no knack
 Of putting off *Stum'd Claret* for *Portack*.
 How long, alas! would the poor *Vintner* last,
 If all that drink must judge, and every *Guest*
 Be allow'd to have an understanding *Taste*? }
 Thus she: Nor could the *Panther* well enlarge,
 With weak Defence, against so strong a Charge.

There I call her a *Panther*, because she's
 spotted; which is such a Blot to the *Refor-*
mation, as I warrant 'em they will never
 claw off, I Gad.

But with a weary *Tawn* that shew'd her *Pride*,
 Said, Spotless was a *Villain*, and she ly'd.
White saw her canker'd *Malice* at that Word,
 And said her *Prayers*, and drew her *Delphis*
 (Sword,
 T'other cry'd *Murther*, and her *Rage* restrain'd;
 And thus her passive *Character* maintain'd.
 But now, alas---

Mr. *Johnson*, pray mind me this: Mr.
Smith, I'll ask you to stay no longer, for
 this

this that follows is so engaging; hear me but two Lines, I'Gad, and go away afterwards if you can.

But now, alas, I grieve, I grieve to tell,
What sad Mischance these pretty Things beset,
These Birds of Beasts—

There's a tender Expression, *Birds of Beasts*: 'Tis the greatest Affront that you can put upon any *Bird*, to call it, *Beast of a Bird*; and a *Beast* is so fond of being call'd a *Bird*, as you can't imagine. Page 129.

These *Birds of Beasts*, these learned Reas'ning (Mice, Were separated, banish'd in a trice. Who would be learned for their sakes, who wise?

Ay, who indeed? There's a *Pathos*; I'Gad, Gentlemen, if that won't move you, nothing will, I can assure you: But here's the sad thing I was afraid of.

The Constable alarm'd by this Noise,
Enter'd the Room, directed by the Voice,
And speaking to the Watch, with Head aside, Page 135.
Said, Desperate Cures must be to desperate Ills apply'd.
These Gentlemen, for so their Fate decrees,
Can ne'er enjoy at once the Butt and Peace. Page 115.
When each have separate Interests of their own, Page 144.
Two Mice are one too many for a Town.

By Schism they are torn; and therefore, Brother,
Look you to one, and I'll secure the other.

Page 98.

Now, whether *Dapple* did to *Bridewell* go,
 Or in the *Stocks* all Night her Fingers blow,
 Or in the *Compter* lay, concerns not us to know.
 But the immortal *Matron*, spotless *White*,
 Fogetting *Dapple's* Rudeness, Malice, Spight,
 Look'd kindly back, and wept, and said, Good
 (Night.)

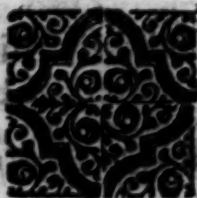
Page 145. Ten thousand Watchmen waited on this Mause,
 With Bills and Halberds to her Country-House.

This last Contrivance I had from a judi-
 cious Author, that makes Ten Thousand An-
 gels wait upon his *Hind*, and she asleep too,
 I'Gad——

Johns. Come, let's see what we have to
 pay.

Bayes. What a-Pox, are you in such hast?
 You han't told me how you like it.

Johns. Oh, extremely well. Here,
 Drawer.



**An EPISTLE
TO**

Joseph Addison, Esq;

Occasion'd by the DEATH

Of the Right Honourable

CHARLES,

Late Earl of *HALIFAX*.

AND shall Great *HALIFAX* resign to
(Fate,

And not one Bard upon his Ashes wait?

Or is with Him all Inspiration fled,

And lie the Muses with their Patron Dead?

Convince us, *ADDISON*, his Spirit reigns

Breathing again in thy Immortal Strains:

To

To Thee the lift'ning World impartial bends,
Since *HALIFAX* and Envy now are Friends.

Me deeply smit with Love of Nature's Laws,
The Vital Union, and Dissolving Cause,
His Worth transports beyond this fleeting Frame,
To tell how Dying Patriots live in Fame;
Virtues like his, the meanest Bard can raise;
And 'tis Ambition but to strive to praise.

When Scenes of Action are obscure and low,
Nature moves silent, and advances slow;
Defers to distant Days, and Ages fit,
The Pow'rs of Genius, and the Fires of Wit.
She suits her Times of Wonder to her Men,
And to a *CÆSAR* gives a *VIRGIL's* Pen:
When Toils are destin'd for the Brave or Wise,
A *NASSAU*, and a *MONTAGUE* arise.

Yet

Yet Virtue often fallen and retir'd,
Shines to her self, nor cares to be admir'd ;
Distrusting Fortune, or by Fears betray'd,
Round her own Merit casts an Envious Shade.
The Patriot-Soul with warmer Notions fir'd,
Or by some secret Providence inspir'd,
Waits with Impatience for the Publick Voice,
And owes his useful Greatness to his Choice ;
Ev'n when excluded from more Noble Views,
Some lower Tract of Glory still pursues.
Thus PHILIP'S Son ARBELA yet unfought,
With the Great *Stagyrite* in private thought :
Thus JULIUS once to Eloquence laid Claim,
And HALIFAX first chose the Poets Fame.

O ADDISON! assert the *Poet-Race*,
And save the Kindred *Muses* from Disgrace.
Say, by the Pow'rs of heav'nly Numbers taught,
How *Monarchs* govern'd, and how *Heroes* fought,

When

When yet *Morality* in Verse was sung,
 And Lyres by none but hallow'd Fingers strung;
 When Bards unpractis'd in the Arts of Praise,
 Flatter'd no TYRANTS in their servile Lays,
 And scorn'd to gild in prostituted Rhimes,
 An Ox——D's Treasons, or a BOURBON's Crimes,
 They chose their Themes like HALIFAX and You,
 Selected Spirits, and the Virtuous Few,
 Who founded Laws or banish'd Faith restor'd,
 Or for their Country drew the righteous Sword,
 Fit Objects to employ the Voice Divine
 Of CATO's, NASSAU's, or of BRUNSWICK's Line.

Fir'd with these Names the Muse ambitious tow'rs,
 Fond of her Theme, forgetful of her Pow'rs;
 But soon she falters, and to you resigns
 The Rival Majesty of VIRGIL's Lines;
 Content, if her inferior rude Essays
 Hurt not his Ashes, whom they meant to praise,

Ye murmur'ing Sons of *Phæbus*, call no more
 The Banks of *Helicon* a Barren Shore ;
 The Gods their Favourites thence to Honours bring,
 And kindly raise them on the Muses Wing.
 There MONTAGUE with secret Rapture warm'd,
 At CHARLES's Urn* the list'ning Shepherds charm'd,
 So much the God indulg'd the youthful Lays,
 SPENSER might own the Song, and SIDNEY praise;
 So well he shar'd the Character he writ,
 The gentlest Manners, and the strongest Wit.

Succeeding Days require no pious Strain ;
 For ah ! what Tongue can sing when Tyrants reign ?
 Who wake the String, or tune the sprightly Reeds,
 To Notes of Pleasure, when his Country bleeds ?
 APOLLO, then no more thy Sons inspire,
 Then blast the Hand that dares provoke the Lyre,

* His Lordship's Poem on the Death of King Charles the 1st.

Or stain their Actions with unhallow'd Rhimes,
And *Bavius's* and *D——y's* damn their Times.

But see! the Clouds of *Romish* Night disperse,
And *WILLIAM* gives a brighter Theme for Verse:
As a Brave Champion half his Force conceals,
'Till he some new uncommon Impulse feels,
Then meets an Object worthy of the Fight,
And puts forth all the Wonders of his Might;
His Foes stand trembling, and his Friends admire,
Where slept the hidden Strength and secret Fire;
Thus *HALIFAX's* Muse, till *WILLIAM* came,
Check'd half her Vigour, and restrain'd her Flame;
Then soaring boldly with no middle Wing,
O'er Earth and Seas persu'd the Godlike *K I N G*,
Fill'd with new Fury ev'ry glowing Line,
And found a Second *Zanthus* in the *Boyne*.

Ye Pow'rs ! how just, how numerous is that Song !
 How rich the Fancy, and the Vein how strong !
 The hurried Reader with the Poet flies,
 Yet looks on all he pass'd with longing Eyes,
 At ev'ry Prospect equal Passions burn,
 Pleas'd he proceeds, yet wishes to return.

Here, *Britons*, see what different Spirit reigns
 In Free-born Muses, and in Slavish Strains :
 Observe how artful BOILEAU sweats and toils,
 To plume his Demi-God with borrow'd Spoils,
 From CÆSAR, or ÆNEAS, steals a Grace,
 And forms from Ancient Draughts a Modern Face.

While MONTAGUE secure, without Controul
 Fix'd on the Greatness of his Hero's Soul,

* His Lordship's Epistle to the Earl of Dorset, upon King William's Victory in Ireland.

Trusts to his Theme his Numbers to inspire,
With proper Raptures, and Poetic Fire.

But, SIR, methinks I hear you check the Song,
That dwells upon his meanest Praise too long,
And bid me trace with a superior Quill,
The Patriot's Wisdom, and the Statesman's Skill.
O! take the mighty Task, for You alone
Can charm in Language equal to his own;
Describe him form'd with ev'ry Grace to please,
Expressive Spirit, Fluency and Ease:
Expert in wise Assemblies to preside,
The doubtful Senate's Oracle, and Guide;
Whose Eloquence, without the formal Art,
Flow'd to convince the Head, and warm the Heart.
Say, when fierce Murmurs, and Contention rose,
(For Virtue finds in ev'ry Reign its Foes,)
His Soul an equal Firmness still maintain'd,
Compos'd their Tumults, and their Heats restrain'd.

Or paint Him, watchful over future Fates,
The Turns and Moments of contending States,
Directing where Britannia's Sword should sway
Her dreadful Edge, and where her Thunder play:
Consulting still in each important Aim,
His Country's Safety, and his Monarch's Fame.

These Publick Actions be thy juster Choice;
Then, ADDISON, inspire some second Voice,
To trace his less ambitious Scenes of Life;
Retir'd from Noisy Crouds, and Civil Strife;
Where the free Soul unbends her self to please
In Social Virtues, and in Letter'd Ease;
Where chearful Looks, and friendly Speech give Birth
To wise Enjoyments, and Socratic Mirth.

For ever, Hampton, Sacred be thy Tow'rs,
Spring fresh thy Greens, and flourish thick thy Bow'rs;

There,

There, still defended by indulgent Skies,
 The Warriour's Wreath, and Poet's Garland rise!
 These Scenes with deep Regard, Ye Sages, grace;
 Ye Bards, with solemn Honours mark the Place;
 Raise it as high in Ages yet to come,
 As CHAUCER'S Grove, or TULLY'S *Tastulum*.
 Then, while Posterity their Acts display,
 The Gen'rous Briton shall with Rapture say,
 'These Shades, absolv'd from War, Great WILLIAM
 (sought)
 'And HALIFAX in those Recesses thought.
 When Sixteen barren Centuries were past,
 This Second Great MÆCENAS came at last;
 In whom Example, and Protection join'd,
 All Sciences improv'd, all Arts refin'd,
 And made our stubborn *English* Sense submit
 To the just Culture of *Athenian* Wit.

To Thee, Blest Genius! thy *Britannia* owes
That Learning in a purer Channel flows;
That Vice no more the Price of Virtue reaps,
Nor modest Want in silent Sorrow weeps;
That Glory courts the Wise, the Good, the Strong,
And only virtuous Merit lives in Song.

Rest then, Great Soul! secure of deathless Fame!
Blest be thy Dust, and sacred be thy Name!
Be it invok'd in all our future Lays,
With Lasting Honour, and Religious Praise,
Till CATO's Works with LIBERTY expire,
Or NEWTON's die in falling Worlds of Fire.

F I N I S.

Or new words die in falling words of fire
Till Care's Works with Liberty expire
With lasting Honour and Religious Pride
Be it invoked in all our future days
Bless be thy Dust and sacred be thy Name!
Rest then, Great Soul! leader of deathless Fame!
And only virtuous Merit lives in Song
That Glory counts the Wise the Good the Strong
Nor modest Want in silent Sorrow weeps
That Vice no more the Price of Virtue reaps
That Learning in a quiet Channel flows
To Thee, Blest Genie! thy Poet's vows

MEMOIRS OF THE LIFE

OF
Charles Montague,

L A T E
Earl of H A L I F A X, &c.



THE Deaths of great and valuable Men, naturally lead us to a Review of their Lives; and it is not only an Act of Gratitude to the Deceas'd, but of Justice to those that survive, to recapitulate and set before them, the several Steps by which they became Renown'd for their Power, Leaders of the People for their Councils, Wise and Eloquent in their Instructions; such as were honour'd in their Genera-

tions, and were the Glory of their Times; like the Noble Person whom, setting aside all manner of Inclination to this or that Party, I shall make it my Endeavour to trace through all the memorable Passages of his LIFE, from the Cradle to the Grave. Nor can it be otherwise than of great Use to the present Age, as well as those that are to come, to recommend an Example to their Imitation, than which, few, or none, can be found in HISTORY more worthy of being copy'd. Such as is that of CHARLES MONTAGUE, late Earl of HALIFAX, who, in the several Capacities of a private and publick Station, whether he is consider'd as a Gentleman, a Scholar, or a Statesman, has so demean'd himself in the University, in the Senate, and the Court, as to be the Pride and Ornament of each, and to obtain the Applause and Esteem of all Sorts and Conditions of Men.

A good Life has but few Days, says the Son of Sirach, but a good Name endureth for ever. The first Part of this Text has been unhappily brought to pass, in the untimely Decease of him that gives Being to the following MEMOIRS; and there is no Room to doubt, but the last will be accomplish'd by the just Deference that will be paid him in Honour of his Benefactions to Mankind, by this and succeeding Generations.

He was fourth Son to the Honourable George Montague, Esq; of Harton, in the County of Northampton, whose Father was Henry the first Earl of Manchester, a Name well known in, and after, the late Civil Wars. His Mother was Elizabeth, Daughter of Sir Anthony Irby, of Quapode, in the County of Lincoln, who, besides him, had for Issue four

four Sons, and as many Daughters, whose Names were *Edward*, that marry'd *Elizabeth* eldest Daughter of Sir *John Pelham*, of *Laughton*, in *Com. Suffex*; *Christopher*, whose Wife was the Lady *Anne*, Daughter of *Edward* the first Earl of *Sandwich*; *James*, whose first Lady was *Tuiston*, Daughter of Sir *William Wray*, of *Ashley*, in *Com. Lincoln*; and whose second, now living, is the Daughter of the Countess Dowager of *Manchester*, whom Mr. *Charles Montagne* was marry'd to some Time before the *Revolution*.

His Sisters were *Elizabeth*, *Anne*, *Mary*, and *Theodosia*, two of which are now living, the one join'd in Matrimony to ——— *Willmot*, Esq; the other to ——— *Cesby*, Esq;

This numerous Issue made his Father, who was Son to the Earl above-mention'd, by a second Venture, and possess'd of no other Estate than his Mother's Jointure, have an Eye to their Education, in such a manner as became their Birth, and was agreeable to the most frugal Management; well knowing that the Bulk of his Inheritance was to devolve on his eldest Son *Edward*, and that his other Sons might advance themselves in the World, by the Means of careful and learned Instructors, while he, as a prudent Oeconomist, made Provision to send his Daughters into the World not only freighted with all the Advantages of their Sex, but with handsome and genteel Fortunes. Among the former, he, in a particular Manner, look'd out for the best of Teachers for his Son *Charles*, who was born on the 16th of *April*, 1661, and was scarce five Years of Age, but shew'd such growing Tokens of a very pregnant Genius,

that he was the Admiration of all that came near him. In order therefore to his farther Improvement, after he had gone through the first Rudiments of Learning, which young Gentlemen are wont to be exercis'd in, he was sent, when fourteen Years old, to the College at *Westminster*, where he for some Time follow'd his Studies under the Guidance of Dr. *Kripi*, the second Master, with such unusual Success, that in two Years Time, 1677, at an Election for a Supply of young Gentlemen to be sent to the two Universities of *Oxford* and *Cambridge*, Mr. *Montague* was pitch'd upon to succeed one of them as a King's Scholar; which brought him more immediately under the Tuition of Dr. *Busby*, who was too accurate an Observer of Dispositions, not to see the Bent of his which led him to the most polite Exercises, such as Poetry, &c. in which he soon grew, by his Encouragement, a great Proficient. Insomuch that he was always applauded for his *extempore Epigrams*, made upon *Theses*, appointed for the King's Scholars at the Time of Election, and had more Presents made him, according to Custom on that Account, than any one of his Contemporaries.

In the Year 1682, Mr. *George Stepney*, whom we shall have Occasion to mention hereafter, and with whom, during his Abode in the College at *Westminster*, Mr. *Montague* had contracted a more than ordinary Friendship, was elected to fill up a Vacancy in *Trinity-College, Cambridge*, which, notwithstanding the Pleasure he took in the just Reward of his Deserts, that was the better Half of him, was the Occasion of no small Discontent to him, since he could not brook the Thoughts of
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being left behind a Person, the want of whose Company, could not but be very irksome to him, tho' he had at that Time a most assur'd Prospect of being chosen to one of our Universities the following Year. He therefore being fearful (and not without Cause, for the Dean of *Christ Church* was then to have it in his Turn to make the first Election, before that of *Westminster*, or the Master of *Trinity*) that he should be call'd to *Oxford*, and in so being, entirely depriv'd of the Conversation of his dearest Friend, was earnest with his Relations (who were unwilling to deny him any Thing that was reasonable, and very capable of allowing him a very handsome Maintenance) to let him bear young Mr. *Stepney* Company to the same College, without going thither on the same Terms.

Mr. *Montague* being thus happily transplanted from that Nursery of Learning, to the more immediate Residence of the Muses, made such Improvements in it, by the Care of his Kinsman Dr. *John Montague*, (now Dean of *Durham*) and a very polite Tutor, whose Government he was in a particular Manner consign'd to, that in less than twelve Months Time, he was as much admir'd for the swift Progress he made in his Exercises at *Cambridge*, as he had been before for his Dispatch of those at *Westminster*; and was as highly celebrated for his Readiness to digest Philosophical Lectures, as he continu'd to be for a thorough Knowledge of all Classical Authors. For tho' it is the Method of most Colleges, in both our Universities, to put the Youth at their first Entrance, upon more severe Studies, in order to draw off their Attention from such as are accounted by the Men of Gravity there,

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light and unprofitable, our Student had such a large Extent of Understanding, that was not only capable of containing the one, but of receiving large Additions to the other, and went on in giving Proofs of his Advances in the Art of Poetry and Oratory, while he out-shin'd his Contemporaries in those of Logick and Ethicks; it not being their Way to put the Pupils on Physicks and Metaphysicks, 'till they are well season'd in the two last.

Nor was it long before an Opportunity presented it self of communicating to the Publick, those rare Endowments which had hitherto been confin'd to the School and the University; since, upon the Death of King *Charles II.* in the Year 1684, the latter, as customary, had it in Command from their Chancellor, to compose a Book of Condolence and Congratulation, to be presented to his Brother and Successor, King *James* the Second. Accordingly, the Heads and Governors of Colleges and Halls, with the Noble men, Proctors, Fellows, Scholars, &c. in their respective Stations, severally made Copies of Verses on that Occasion, whereby Mr. *Montague* so display'd an excellent Genius in his, as may be seen by a Survey of it in the Close of these MEMOIRS, as to lay the Ground-work of his future Promotions.

The late Earl of *Dorset* and *Middlesex*, the greatest Encourager of Wit and Learning that was to be found in those Days, with his Friend Sir *Charles Sidley*, happen'd to have that very Book under Consideration, as indeed every Thing that came out, was favour'd with their Perusal; and observing the Beauties of his

POEM,

POEM, took a Resolution to distinguish him and his Friend Mr. Stepney, from the rest, by an Invitation of both those Gentlemen to Town.

Accordingly the first (Mr. Montague) came, tho' the last (Mr. Stepney) desir'd to be excus'd, out of his Love to a retir'd Life) and had soon Occasions put into his Hands of giving Increase to the Reputation he had brought with him, by new Acquisitions of Fame and Esteem. The Defeat of the Rebels in the *West*, under *Monmouth*, made it necessary, in the Language of the Court, to have a standing Army, which the Country-Party in the Parliament, violently oppos'd; and among these, his two Friends, one of which bore a great Sway in the House of Peers, and the other in that of the Commons, whose Interest was so great in both, especially Sir Charles Sidley's, that the King foreseeing it would be a Work of the greatest Difficulty, to gain their Consent for the Payment of more Troops than what were upon the Establishment of the last Reign, contented himself with dropping the Pursuit of it, by a Dissolution of the Parliament, being advis'd so to do by some about him, who, tho' the Creatures of his Power, had an Eye towards his De-thronement, which afterwards happen'd.

That unfortunate Prince, whose greatest Fault was too implicit a Belief of the Faith and Sincerity of his pretended Friends, was then brought to think, after having dispatch'd those who had a Check upon him, to their respective Habitations, that he might keep his Forces on Foot, and augment them with what Numbers he pleas'd, provided he paid them out of his

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own Revenues, without being burthensome to the Subject; and thereupon increas'd his Army to 30000 effective Men. But alas! whatsoever Disbursements he made for their Use out of his own Treasure, the Generality of the People could not but look upon this as a Step in their Sovereign, towards their Enslavement, even at the same Time as it was acknowledg'd, that never any King mounted the Throne with such Expectations of being true to his Word, and a religious Observer of his Coronation-Oath; since, while he acted as Duke of *Tork*, no one could abide more strictly by his Promises, or give Tokens of greater Veracity. They had seen thro' a long Train of Occurrences, Age after Age, the Consequences of a prevailing Soldiery. They had been told, that every arbitrary Government had taken its Rise from thence, and been made sensible, by many and many Precedents, of the Truth of that Maxim, which says, *Inter Arma silent Leges*: They therefore were in Pain for the *Constitution*, which could not but be in Danger, from Measures that the very Religion of their Monarch seem'd to oblige him to take. For he had then flung off the Veil, and not only profess'd himself a *Papist*, but taken Persons of the same Profession into the Ministry and the Army, by dispensing with the Penal Laws, without any Act of Parliament, and gone upon many Experiments invasive of the Rights of the establish'd Church, and the Privileges and Communities of such as were the true Sons of it.

Wherefore, amongst others of the Nobility and Gentry that exerted themselves, in Opposition to the Schemes at that Time on the Anvil, by the Means of evil Counsellors, that had wholly

wholly engross'd the King's Ear, and intercepted the Rays of his Majesty's Favour, from shining upon any other than themselves, and their Creatures, the Noble Peer and Baronet above-mention'd, did all that in them lay to stem the Tide of Superstition and arbitrary Power, that was flowing in upon them. Nor could they fix their Choice on a more able Assistant, than Mr. *Montague*, whose Pen was able to cope with that of the most knowing Antagonist. It is true indeed, that there was very little Occasion for any other Defenders of the *Establish'd Church*, from the Attacks of its Enemies, than the honest, learned, and courageous Clergy, who at that Time made the noblest Stand against Popery, in the *London Cases*, and other polite and unanswerable Treatises, as had been known in any Age; but since not only the Ecclesiasticks were employ'd by the King, to inculcate the Tenets of his Religion into the Minds of his People; but the Laicks were set on Work to propagate the Royal Creed; it was thought conducive to the Interest of the true Religion, to make use of the one and the other, in order to foil them at their own Weapons: Which having been incontestibly done by the Gentlemen of the sacred Robe, as has been just related, was likewise with great Facility executed on the Part of those that wore another Cloth, especially on Mr. *Montague's*, on the Perversion of Mr. *John Dryden* (a most eminent Writer, and Poet-Laureat) to the *Romish Communion*. This Gentleman, it seems, if the Reasons of his Defection from the Doctrines wherein he had been very happily educated, may obtain Credit, had weigh'd all the Arguments on both Sides, found those of the Protestants of no Weight, and had

therefore, by inclining to those that were more ponderous, deferred, as he himself call'd it, to the *Royal Party*; whereupon he had his Instructions from Court, not without a good Reward for his Apostacy, in favour of the Projects then upon the Point of being executed, in admitting Popish Recusants, and other Dissenters, into the Enjoyment and Exercise of those Privileges which solely belong'd to the Church. And that the Poison might go down the more palatable, and be swallow'd with the better Gust, he was order'd to disperse it like a gilded Pill, in the Vehicle of Rhime. Nor is it to be deny'd, but the Turn and Cadence of the Verse, was most admirably good, tho' the Drift and Design of it had every Thing that was ill in them; therefore that his Sophistry might not have any Effects upon wavering Minds, which, tho' otherwise well inclin'd, might warp towards the Belief of the Sincerity of smooth Periods, and inviting Similies, Mr. *Montague* was prevail'd upon to take the P.O.E.M. in Pieces, and ridicule the Tendency of it in Conjunction with Mr. *Matthew Prior*, a Person likewise in great Repute with all true Judges of Ingenuity.

The Title of it was the *Wine and Panther*, the first being in Reverse to all Truth and Justice, intended to be taken for the *Romish Church*; and the last made use of as a *Nom de Guerre*, for the *Church Establish'd*, whose pacifick and inoffensive Doctrines, are abhorrent of the Nature of that Beast; than which, none can be more fierce and savage. Nor was the P.O.E.M. (for it was written in Verse) to have the greater Influence on the People, and to win them over to the Tenets contain'd in it, without its Beauties,

ties, at the same Time as it abounded with Faults enough for a Man of a judicious Taste, to play the Critick upon. Wherefore, that the adverse Party might not triumph in the Success of their Champion, and be said to carry the Day unanswered, Mr. Montague had it in Request, in Conjunction with Mr. Matthew Prior, a very celebrated Writer, to enter the Lists with him. Mr. Dryden, it seems, had taken abundance of Pains, and in a very serious Strain, to make the *Hind* get the better of the Argument, as she reason'd with her Antagonist about *Church-Authority*, and the *Rule of Faith*, which she labour'd to persuade the other to go by; wherefore the two Gentlemen that were to take him to Task, rightly judg'd the best way to acquit themselves in that Undertaking, was, to turn all his study'd Periods, and smooth Cadences, into Ridicule; and thereby shew the Unnaturalness of the Dispute between two Beasts, about the nice Points of Religion. This could not be done better, in their Opinion, than by taking the very same Method as had been taken by the Laureat, and transverfing the Fable of the *Hind* and *Panther*, into that of the *Country-Mouse* and *City-Mouse*. Wherefore, as he made the *Hind* invite the *Panther* Home to her Cell, and hold a religious Dispute in their Journey thither, and after their Arrival there, so Mr. Montague and Mr. Prior put Words of a merry Nature into the Mouths of their two *Mice*, as they made them, after a more genteel Manner, take a *Hackney Coach*, and bilk it, in their way to the *Devil-Tavern*, the House which they made Choice of to hold their Conference in: Which Mr. Montague (for he wrote the Preface entirely) accounted for after this manner.

Is it not as easy to imagine two Mice bilking Coachmen, and supping at the Devil, as to suppose a Hind entertaining the Panther at a Hermit's Cell, discussing the great Mystery of Religion, and telling you her Son Rodriguez writ very good Spanish? What can be more improbable, and contradictory to the Rules and Examples of all Fables, and to the very Design and Use of them? What Relation has the Hind to our Saviour? Or what Notion have we of a Panther's Bible? If you say he means the Church; how does the Church feed on Lawns, or range in the Forest? Let it be always a Church, or always the Cloven-footed Beast, for we cannot bear his shifting the Scene every Line. If it is absurd in Comedies, to make a Peasant talk in the Strain of a Heroe, or a Country Wench use the Language of the Court, how monstrous is it to make a Priest of a Hind, and a Parson of a Panther; to bring them in, disputing with all the Terms and Formalities of the School? Though, as to the Arguments themselves, those, we confess, are suited to the Capacity of the Beasts; and, if we would suppose a Hind expressing herself about these Matters, she would talk at that Rate.

As for the Performances themselves, the Reader will, at first View, perceive on whose Side the Victory inclin'd, after two or three Quotations from each, which I cannot pass by without obliging him with, that he may see how judiciously and nicely the one is transvers'd by the other, in the following Lines.

DRYDEN

DRYDEN.

*A Milk-white Hind, immortal and unchang'd,
Fed on the Lawns, and in the Forest rang'd;
Without unspotted, innocent within,
She fear'd no Danger, for she knew no Sin;
Yet had she oft been chas'd with Horns and Hounds,
And Scythian Shafts, and many winged Wounds;
Aim'd at her Heart, was often forc'd to fly,
And doom'd to Death, tho' fated not to die.*

MONTAGUE.

*A Milk-white Mouse, immortal and unchang'd,
Fed on soft Cheese, and o'er the Dairy rang'd;
Without unspotted, innocent within,
She fear'd no Danger, for she knew no Gin;
Yet had she oft been scarr'd by bloody Claws
Of winged Owls, and stern Grimalkin's Paws,
Aim'd at her destin'd Head, which made her fly,
Tho' she was doom'd to Death, and fated not to die.*

But what shew'd the Artfulness of the Transver-
sion most, was, their Banter upon Mr. Dryden's
Discourse of Infallibility, after they had made
one of their Beasts or Vermin, the Country-Mouse
call'd *Brindle*, find Fault with the Wine in these
Words.

MONTAGUE.

*Sirrah, says Brindle, thou hath brought us Wine,
Sour to my Taste, and to my Eyes unsine.
Says Will, all Gentlemen like it; Ah! says * White,
What is approv'd by them, must needs be right.*

'Tis

* The City-Mouse.

'Tis true, I thought it bad, but if the House
Commend it, I submit, a private Mouse:
Nor to their Catholick Consent oppose
My erring Judgment, and reforming Nose.
Why, what a Devil, shan't I trust my Eyes?
Must I drink Steam, because the Rascal lies?
And palms upon us, Catholick Consent,
To give sophisticated Brewings Vent?
Says White, what ancient Evidence can sway,
If you must argue thus, and not obey?
Draw'rs must be trusted, through whose Hands con-
You take the Liquor, or you spoil the Trade. (wey'd,
For sure those honest Fellows have no Knack
Of putting off stumm'd Claret for Pontack!
How long, alas! mould the poor Winter last,
If all that drink, must judge, and every Guest
Be allow'd to have an understanding Taste?

D R Y D E N

Thus did the gentle Hind her Fable end,
Nor would the Panther blame it, nor commend,
But with affected Tawnings at the Close,
Seem'd to require but natural Repose.
For now the streaky Light began to peep,
And setting Stars admonish'd both to Sleep.
The Dame withdrew, and wishing to her Guest
The Peace of Heaven, betook herself to Rest.
Ten thousand Angels on her Slumbers wait,
With glorious Visions of her future State.

M O N T A G U E

Thus she, nor could the * Panther well enlarge,
With weak Defence, against so strong a Charge.
But

* Here he makes Mr. Bays say, There I call her a Panther, because she's spotted, which is such a Blot on the Reformation, as I warrant them they will never claw off, I Gad.

But with a stern I am, that shew'd her Pride,
 Said, Spotless was Killin, and she ly'd
 White saw her canker'd Malice at that Word,
 And said her Dangers, and drew her Delphic Sward
 To other cry'd Murder, and her Rage restrain'd
 And thus her passive Character maintain'd
 But now alas! I grieve, I grieve to tell,
 What sad Misfortune these petty Things befel
 These Birds, of Beasts, & these learned reasoning
 Were separated; banish'd in a Trice
 Who would be learned for their Sakes, who wise
 The Constable alarm'd by this Noise,
 Enter'd the Room, directed by the Voice,
 And speaking to the Watch with Head aside,
 Said, Desperate Cures must be to desperate Ills
 These Gentlemen, for so their Fate decrees,
 Can ne'er enjoy at once the Butt and Peace
 When each have separate Interests of their
 Two Mice are one too many for a Town
 By Schism they are torn, and therefore, Brother,
 Look you to one, and I'll secure the other
 Now, whether Dapple did to Bridewell go,
 Or in the Stocks all Night her Fingers blank;
 Or in the Conpter-lay, concerns not to know
 But the immortal Matron, spotless White,
 Forgetting Dapple's Rudeness, Malice, Spight
 Look'd kindly back and wept, and said, Good Night.
 Ten thousand Watch-men waited on the Mount,
 With Bills and Swords, to her Country House.
 How

Because Mr. Doden, in his Page 129, says Brass of a
 † Hind and Panther, Page 135.
 † Page 11.
 † Page 144.

However, notwithstanding all the Discouragements the Court met with in their Attempts to introduce Popery from the Pens of learned Men, such as were Mr. *Montague*, and his ingenious Associates, and the general Dislike of more than three Parts of the Nation, the King was so blinded in his Zeal for its Establishment, or rather infatuated to pursue evil Counsels, that he resolv'd to make a home Push at the Subversion of the Laws and Constitution, and not only broke in upon the Statutes of both Universities, by placing Men of his own Religion in those Seminaries, contrary to Act of Parliament and his Coronation-Oath, but imprison'd several of the Bishops, for not ordering his *Declaration for Liberty of Conscience*, because it was founded on a *dispensing Power*, to be read in their respective Dioceses. These Acts of Violence were follow'd by worse Consequences than his Majesty, or the Bigots about him, gave themselves Leisure to think of, for the Chief of the Nobility and Gentry chose rather to depart in some Measure from their Allegiance, and invite the Prince of *Orange* over to redress their Grievances with an arm'd Force, than to behold the Constitution of their native Country trampled under Foot, and all their Religious and Civil Liberties totally destroy'd.

The Issue of this Invitation is so well known, that we may be silent as to the Particulars, since it will be sufficient to our Purpose, to signify, that amongst the many Hands that sign'd it, Mr. *Montague* was one, who had the Honour to be chosen one of the Members of the Convention that met at *Westminster* on *January 22. 1688*, and declar'd the Throne vacant on the 3th of *February* following.

following. The Prince and Princess of Orange being now made King and Queen of England, &c. by the Abdication of King James, the Earl of Dorset, who had been early in going into Measures for bringing about the Revolution, and promoting their Succession, was advanc'd to the Office of Lord Chamberlain of his Majesty's Household; by Virtue of which, he had it in his Power to recommend Men of Desert to the Royal Favour. Nor was that Noble Person wanting in his Regards to his Friends, from whom no one had greater Application made to him on that Head, but took all Opportunities of doing them all possible Services. Among these, he was very early in his Provision for Mr. Montague, whom he introduc'd to the King some Time after his Coronation, with *May it please your Majesty, I have brought a Mouse to have the Honour of kissing your Hand;* at which the King smil'd, and being told the Reason of his being so call'd, from the Pamphlet before-mention'd, reply'd with an Air of Gayety, *You will do well to put me in a Way of making a MAN of him;* and order'd him an immediate Pension of 500 l. per Annum, out of the Privy Purse, 'till an Opportunity should offer. Nor is Mr. Montague's Repartee to a certain Nobleman, to be omitted, who ask'd Sir Charles Sidley, that was on Horse-back with him on the Day the new King and Queen were proclaim'd, *Whether he was going?* since it purported, that Sir Charles was going to repay one good Turn for another, and to make King James's Daughter a Queen, since that Prince had made his a Countess.

As Mr. Montague was but a young Member in Parliament, so we do not find that he enter'd into many of the Debates therein, 'till the Year

1691, when having acquir'd a great Compass of Knowledge in the Proceedings of the House, and being distinguish'd for a thorough Insight into the Privileges of it, he was thought capable of being plac'd at the Head of a Committee that was to be in Conference with another from the Lords, about a very arduous and intricate Affair, in which he had no less Men, than the late Marquess of Halifax, the Earls of Pembroke, Rochester, Mulgrave, (now D. of Bucks) Nottingham, Monmouth, (now Peterborough) &c. to deal with. Both Houses were now engag'd in a warm Dispute, rais'd by the Bill for regulating Tryals in Cases of High Treason; which Bill having been laid aside by the Lords in the preceeding Session, was again brought in, and pass'd by the Commons, who sent it up to the Lords for their Concurrence. The Lords, besides other Amendments, made this Clause to it. *That upon the Tryal of any Peer, for any Treason, or Misprision of Treason, all the Peers who have a Right to sit and vote in Parliament, should be duly summon'd, twenty Days at least before any such Tryal, to answer at every such Tryal: And that every Person so summon'd, and appearing on such Tryals, should vote in the Tryal of such Peer or Peereses to be try'd, he and they first taking the Oaths mention'd in an Act of Parliament made in the first Year of King William and Queen Mary; entitled, An Act for abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths; and subscribing and audibly repeating the Declaration mention'd in an Act of Parliament made in the thirtieth Year of King Charles the second, entitled, An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament.*

This

This Clause being disagreed to by the Commons, and at two several Conferences insisted on by the Lords, Mr. *Montague*, as Head of the Committee, deliver'd the Sense of the former, and argu'd, ' That the Bill was begun by the Commons, for the equal Advantage of such Lords and Commons who had the Misfortune to be accus'd of Treason, or Misprision of Treason, ' That when it was first return'd from their Lordships, with very many Amendments, the Commons were so willing to comply with the Desire of their Lordships, and to give the Bill a speedy Passage, that they agreed to all those Amendments, except two. That some of them were of a very nice Nature, and related to Things of which the Commons have ever been most tender. That at the first Conference, the Commons gave their Lordships the Reasons that induc'd them to make such Amendments, which did so far satisfy their Lordships, that they did agree to the first Amendment made by the Lower House, tho' they did insist upon this other, for which they deliver'd their Reasons at the second Conference. That those Reasons had been solemnly and deliberately consider'd by the Commons, and that they had not found them sufficient to convince them; so that they still disagreed with the Lords in the fore-mention'd Clause. That it was very unfortunate, that no Bill for the Relief of the Subjects in these Cases, had been tender'd for many Years last past, but either this Clause, or some Thing of the like Nature, had unhappily clogg'd it, and been the Occasion of losing it: And as this was never thought reasonable to be admitted formerly, so neither

could the Commons consent to so great an Alteration of our Constitution as this would introduce. That such an Alteration was far beyond the Intent and Design which the Commons had in preparing this Bill. That they were desirous that all Men should have a fair and equal Way of making their Defence, and wish'd, that the Guiltless should by all necessary Provisions be protected, and allow'd all just Means of making their Innocence manifest; but they did not design to subvert the Essence and Constitutions of the Courts, nor intend to disable the Crown in one of its most necessary Prerogatives, or to place a Judicature in other Hands, than those to whom the Laws of *England*, and the Custom of the Realm, had committed it. That the Clause now in Dispute, struck at no less than this, and in Consequence at the Alteration of the Government of *England*. That the Government of *England* is Monarchical, and the Monarch has the Power of constituting Courts and Offices for Administration of Justice, tho' they are to proceed according to the known Rules and Limitations of Law. That the Judges are constituted by his Commission, the Sheriffs are of his Nomination and Appointment; and these are to return the Pannel of Jurors, who are to pass on the Lives of the Commoners; and that in like manner 'tis the Prerogative of the Crown, to constitute a Lord High Steward, who, by his Serjeant at Arms, does summon a competent Number of Peers to be Tryers of their Lordships. But that this Clause took away these Powers from the High Steward, and therefore it took away so much from the Regal Authority; and

' it would amount to no less, than to render the
 ' Subjects independent on the Crown, in the Pleas
 ' of the Crown; wherein, above all other Things,
 ' the Life, Peace, and Safety of the Government
 ' is concern'd. That the Commons had still the
 ' same Opinion of the Honour and Integrity of
 ' the Lords, which they had receiv'd from the
 ' Experience of past Times; but that their Design
 ' in passing that Bill, was to prevent those Abu-
 ' ses in Tryals for Treason in inferior Courts for
 ' the future; by the Means of which, during the Vi-
 ' olence of the late Reign, they had observ'd many
 ' had lost their Lives. That the Things to which
 ' the Bill extended, were of such a Nature, that,
 ' except only in one Instance, (that is, the Time
 ' of the Delivery of the Copy of the Pannel; for
 ' it was agreed, even in the Lord *Russel's* Case,
 ' *That the Subject hath a Right to have a Copy of*
 ' *the Pannel*) the Lords had an equal Benefit with
 ' the Commons. That the Commons did not ob-
 ' serve, that the Clause sent down by the Lords,
 ' does relate to the like Grounds of Complaint;
 ' for no Instance could be given of any Peer
 ' who suffer'd during the late Reign, from whence
 ' a just Cause of Objection might arise to the
 ' present Method of Trying Peers. That the on-
 ' ly two Persons prosecuted, came off, tho' pur-
 ' su'd with great Violence; the one, because the
 ' Grand Jury could not be prevail'd upon to
 ' find the Bill; the other was acquitted upon his
 ' Tryal by the Justice of his Peers. That by all
 ' the Circumstances of the Tryal of the Lord
 ' *Delamere*, it is manifest, that if there was any
 ' Uneasiness in the Method of Tryal, it then
 ' would have appear'd. That the Violence of
 ' those Times was such, that the Commons were
 ' not

' not protected by that Innocency, which has
 ' since been declar'd in Parliament; yet, then
 ' the Lord *Delamere* was acquitted by the Justice
 ' and Honour of his Peers; and it might seem
 ' strange to future Ages, that the Commons
 ' should be contented, that the Method of Tryals
 ' should be continu'd, which was not sufficient to
 ' protect their Innocency; and their Lordships
 ' alter that which had prov'd a Bulwark to their
 ' Lives. That the Commons also thought the
 ' Clause to be of a different Nature from the
 ' Bill, because the Bill did not make any Alte-
 ' ration in the Court, or in the Nature of the
 ' Tryal, which the Commons apprehended was
 ' done by the Clause; for thereby the Court is
 ' no longer constituted by the Precept of the
 ' Lord Steward, who receives his Commission
 ' from the Crown, but the whole Order of Peers
 ' have a Right to make up the Court; and the
 ' Friends, Relations, and Accomplices of the
 ' Person, are to be his Tryers. That there was
 ' another great Alteration in the Constitution of
 ' the Court, as the Clause was penn'd; for this
 ' Method, prescrib'd by the Clause, was for the
 ' Tryal of every Peer, and according to that Me-
 ' thod, every Peer who had a Right to sit and
 ' vote in Parliament, was to be summon'd, and
 ' might appear and vote. Now, it was agreed by
 ' the most learned Authors, that the Lords Spi-
 ' ritual are Peers; and whosoever would go a-
 ' bout to defend the contrary Opinion, would find
 ' it very difficult to answer the several Records
 ' of Parliament, and other Authorities, where
 ' this Point is asserted; particularly the well
 ' known Claim in Parliament of Arch-Bishop
 ' *Stafford*, in the Reign of *Edward III.* and the
 famous

famous Protestation in the second of *Richard II*,
 (when the Bishops thought fit to absent them-
 selves from Parliament, because Matters of
 Blood were to be agitated there) wherein their
 Right of Peerage is directly asserted: And this
 Protestation being enroll'd at the Desire of the
 King, and with the Consent of the Lords and
 Commons, seem'd to be of the Nature of an
 Act of Parliament. That if the Law-Books
 might come in for Authorities in such a Point,
 there are Cases where the Pleas of the Bishops
 as Peers, have been judicially allow'd; so that
 this Clause did directly let in the Lords Spi-
 ritual to try, and be try'd, as other Peers who
 are Noble by Descent. Not that the Commons
 were dissatisfy'd with this, if this were the
 only Matter; for the Lords Spiritual, in all
 Probability, by their Learning and Integrity,
 would greatly assist at the Tryal of Peers; and
 the Commons were well enough dispos'd to let
 in these Noble Prelates to any Privileges in
 Point of Tryal, which should be propos'd by
 the House of Peers. But this was urg'd to
 make good the Position laid down before, that
 by this Clause the Constitution of the Court
 was quite alter'd; it having been taken for
 Law, that the Lords Spiritual are to be try'd
 as other Peers, or to be present, and vote at
 the Tryal of any other Peer, at least out of Par-
 liament: For, as to their Right in Parliament,
 how far they are restrain'd by the Canons,
Agitare Judicium, how far these Canons have
 been receiv'd in *England*, and what the Usage
 of Parliament has been, was not the present
 Business. That had this Bill come down from
 the Lords first, and the Commons had added a
 Clause

' Clause, That no Commoner should be try'd for
 ' Treason, but before all the twelve Judges, and a
 ' Jury of twenty four Persons, and to have taken
 ' away all Challenges for Consanguinity, which, if it
 ' was consider'd, was somewhat of the Nature of
 ' the Lords Clause, though it did not go so far;
 ' if the Lords had thought fit to have us'd the
 ' same Reason for disagreeing to such a Clause,
 ' as the Commons had done in the present Case,
 ' That it was different from the Design of the Bill,
 ' it would have satisfy'd the Commons. And
 ' that the same Reasons which the Commons re-
 ' ceiv'd from the Lords at the last Conference,
 ' if they had been deliver'd by the Commons,
 ' would not have been convincing to their Lord-
 ' ships.

To this he added, ' That the Commons like-
 ' wise observ'd, that the Lords in the Clause, or
 ' in their Reasons, had not started any Cause of
 ' Objection to the present Method of their Try-
 ' als, and therefore the Commons wonder'd that
 ' the Lords (as they express'd themselves in
 ' their Reasons) should conceive that they were di-
 ' stinguish'd, so as to be more expos'd in their Tryals
 ' than the meanest Subject; since the Commons did
 ' not find, but that they enjoy'd this great and
 ' high Privilege (upon which so great a Value
 ' has been justly put) as fully as ever any of their
 ' Noble Ancestors did. That 'tis by this Privi-
 ' lege, the Body of the Peers have been pre-
 ' serv'd so long. That if any Lord, at any Time,
 ' should be so dispos'd to expose himself in De-
 ' fence of the common Liberties of the People,
 ' the Commons are Security to him from being
 ' oppress'd with false Accusations; twelve of
 ' them must agree to find a Bill before he can
 ' be

' be indicted, and that Bill cannot be found, but
 ' upon the Oaths of two credible Witnesses.
 ' That the Commons look'd upon the Method
 ' of Tryals, which the Lords would alter, to
 ' have been as ancient as the Constitution of the
 ' Government. That it appears in the Year-
 ' Books, to have been practis'd in the first Year
 ' of *Henry IV*, and to have been well known at
 ' that Time. That indeed it could not be sup-
 ' pos'd to have been an Innovation then; the
 ' Lords who had just before depos'd King *Rich-
 ' ard II*, being too great, to suffer such an In-
 ' novation; and *Henry the IVth's* Title not suf-
 ' ficiently establish'd to attempt it. That the
 ' Reason why no older Instances of Proceedings
 ' before the Lord High Steward, are to be found,
 ' is this, That this very *Henry the IVth*, when
 ' Duke of *Lancaster*, was the last High Steward
 ' who ever had any fix'd Interest in the Office;
 ' so that the Office being so long since ceased,
 ' all the Records are lost, and the very Nature
 ' and Power of the Office, except in this Instance
 ' of trying Peers, and determining Claims at
 ' Coronations, is likewise lost. But since that
 ' Time, the High Steward being only *pro hac
 ' Vice*, the Proceedings are commonly trans-
 ' mitted into other Courts, and so come to be
 ' found.

He likewise urg'd, ' That if there were any
 ' Objection to that Method of trying Peers, it
 ' must be founded on a Supposition of Partiality
 ' and Unfairness of constituting a High Ste-
 ' ward, or in the High Steward himself, and the
 ' Peers summon'd by him; and that the Com-
 ' mons were unwilling to enter into such Kind
 ' of Supposals. As to the partial constituting of a
 ' High

' High Steward, if that might be suppos'd, as it
 ' was an Objection to the Constitution, which
 ' entrusts the Crown with the Administration of
 ' Justice, that that Supposal might as well ex-
 ' tend to the Constitution of the Judges and
 ' Sheriffs, and every other Part of the Admini-
 ' stration. And if upon such a Supposal, or Distrust,
 ' the Remedy must be to take away that Part
 ' of the Administration out of the Crown, (as
 ' was done in the Clause before them) the Rea-
 ' son must carry the Thing so far, that the Na-
 ' ture of the Government would be alter'd. As
 ' to the Partiality of the Lord High Steward,
 ' and the Peers, the Commons were unwilling
 ' to suppose it was possible that twelve Peers
 ' should be ever found (for that Number must
 ' agree, or the Person accus'd is safe) who could
 ' so far forget their Honour, and the Noble Or-
 ' der they were of, as for Revenge, or Interest,
 ' to sacrifice an innocent Person. But if the
 ' Lords would suppose that such a Number of
 ' Peers might be capable of being engag'd in so
 ' ill, and so dishonourable Things, then the
 ' Commons thought themselves excus'd, if they
 ' suppos'd, that other Passions, and Motives,
 ' might prevail on the Peers; such as *Pity in*
 ' *Friends, Partiality in Relations, and the Consid-*
 ' *eration of their Safety in the Case of Accom-*
 ' *plices.* That most Men, especially *English Men,*
 ' enter unwillingly into Matters of Blood. That
 ' the most indifferent Peers would be most likely
 ' to absent themselves, either from a Considera-
 ' tion of dissatisfying the Crown on the one
 ' Hand, or drawing on themselves the Mischief
 ' of a Breach with the Family of the Person
 ' accus'd, on the other, (for it was to be observ'd,
 ' that

' that a Restitution of the Family follow'd gene-
 ' rally in a short Time) or at least the Love of Secu-
 ' rity, and Care of not engaging too far, (for those
 ' Tryals happen'd for the most Part in unquiet
 ' and troublesome Times) would keep indifferent
 ' Men away. But the Care for a Friend, could
 ' not fail of bringing Friends to the Tryals.
 ' The Concern to preserve the Family from that
 ' Stain, would bring Relations; and if there
 ' were any Accomplices, they would be ready
 ' for their own Sakes, to acquit the Accus'd;
 ' And probably their Number might be confide-
 ' rable in those Cases; for it was not to be ima-
 ' gin'd, that a Lord could enter into those base
 ' and detestable Actions, which might be per-
 ' form'd by single Persons, such as poisoning, or
 ' assassinating the Prince. That the Treasons
 ' which it could be imagin'd Lords might be
 ' engag'd in, must be such as arise from Facti-
 ' on in the State, which many must be engag'd
 ' in; and if some Accident should discover
 ' sufficient Matter for a Charge against one
 ' of the Parties; the rest, who were conceal'd;
 ' would have as good Right to try their Confe-
 ' derates, as any indifferent Lord; and no
 ' doubt but it was their Interest to acquit him;
 ' and how far at some Times that alone might
 ' go towards turning the Scale of Justice, might
 ' deserve to be consider'd; especially in Times
 ' that might happen thereafter, because they
 ' had happen'd heretofore, when there might be
 ' several Titles set up to the Crown, and great Parties
 ' form'd. That this was a Law that was to have
 ' a perpetual Continuance; And that the same
 ' Loyalty, Wisdom, and Zeal, which appear'd
 ' then in their Lordships, should be deriv'd

' down to all their Posterity, was a Thing
 ' ther to be wish'd, than depended upon
 ' therefore the Clause had a Tendency towards
 ' letting in an Impunity for Treason, the Com-
 ' mons look'd upon themselves as justify'd in
 ' disagreeing to it; for they thought it obvious to
 ' every one, of what Consequence it would be
 ' to the Constitution, if such a Body as the Peers,
 ' who had already such Privileges of all sorts,
 ' should have Impunity of Treason added; and
 ' what that must naturally end in.

' Lastly, he told them, That the Commons
 ' agreed with the Lords; that a good Corres-
 ' pondence between the two Houses, was necessary
 ' for the Safety, Honour, and Greatness of the
 ' Nation; and could never think that it was to
 ' be interrupted by their refusing any Thing
 ' which might endanger the Constitution; as-
 ' suring them, the Commons would never fail
 ' of improving all true Interest of the Lords;
 ' but they perswaded themselves that the Lords
 ' would be of Opinion, that to introduce any
 ' Thing which tended to an Impunity of Treason,
 ' was neither the true Interest of the Crown,
 ' the Lords, nor the Commons.

This Conference occasion'd great Debates in
 both Houses of Parliament; and was follow'd by
 three others, wherein Mr. Montague discover'd
 such an Address in the Art of Speaking, and
 Perspicuity of Judgment, as to make the Lords,
 who were his Opponents in the Argument, and
 had been long vers'd in Disputes of that Nature,
 wonder at the Discovery made of such uncom-
 mon Abilities, at the same Time as they con-
 tinu'd to insist upon their Clause; which the
 Commons

Commons would by no Means admit; the Result of which was, that the Bill was lost.

However, Mr. *Montague* gain'd such Applause in the Management of the said Debate, on the Part of the Commons, that the King was appriz'd of it, by the Means of the Earl of *Dorset*, who omitted no Opportunities of speaking to that Prince in his Favour; and finding a Vacancy in the Commissioners of his Majesty's Treasury, by the Resignation of *Thomas Pelham*, Esq; obtain'd it for him. Such an eminent Station as this, could not but give to, and take a Lustre from the Person that fill'd it; and our young Courtier, that was now sworn a Privy-Councillor, by Virtue of his Office, so distinguish'd himself both at the Treasury and Council Boards, that his Majesty, some Time after, upon altering the Commission aforesaid, not only made him the second Commissioner, but, for a Reward of eminent Services done in the House of Commons, with great Dexterity and Industry, as mention'd in the Patent, appointed him Chancellor and Under-Treasurer of the Exchequer; which Grant so bound him to the close Pursuit of the Duties which belong'd to it, that in Return to his Majesty's Favour, and the Applause of the whole Nation, he gave Birth to such a stupendious and useful Project, as at once startles and delights the Imagination, at the very Thoughts of it.

The ill State of the current Coin of the Kingdom, through the Means of Clippers and Coiners, who, notwithstanding the Severity of the Law, by which several were punish'd as in Cases of High Treason, was now such a crying Grievance, as to stand in need of an immediate Remedy; wherefore

wherefore Mr. *Montague*, who, in Conjunction with the Lord-Keeper *Somers*, his fast Friend, had advis'd the King to make mention of it to his Parliament on the twenty second of November, 1695, after he had made Provision for the Passage of his Favourite Bill, for regulating Trials in Cases of High Treason, and Misprision of Treason, through both Houses, mov'd the Commons for taking under Consideration that Part of his Majesty's Speech, That related to the ill State of the Coin. But before I bring the Reader to a View of his Management on that Head, it will not be improper to remark, that while the Treason-Bill was depending, the Person whose MEMOIRS are in Hand, rose up in order to speak for it; and having begun his Speech, seem'd to be so surpriz'd, that for a While he could not go on; but having recover'd himself, took Occasion, from his very Surprize, To enforce the Necessity of allowing Council to Prisoners who were to appear before their Judges, since he, who was not only innocent, and unaccus'd, but one of their own Members, was so dash'd when he was to speak before that wise and illustrious Assembly. Which Turn of Wit did no small Service in promoting that expedient Bill.

Now the Question about making good the Deficiency of the clipp'd Money, was, Whether it was necessary or expedient to recoin the Silver Money? The Country Party held the Negative; those on the Side of the Court, the Affirmative; and the Arguments on the Part of both, were weighty. The Reasons against calling in, and recoining the Money, urg'd by Mr. *Bromley*, Sir *John Packington*, *Heneage Finch*, and *Robert Harley*, Esqrs, &c. were, ' That this was no fit
Juncture

'Juncture for it, while the Nation was engag'd
 'in a burthenſome and doubtful War, by which
 'the Kingdom had already greatly ſuffer'd, and
 'of which it grew every Day more ſenſible.
 'That therefore the People, on whoſe good Af-
 'fections the Government ſo much depended,
 'ſhould not be provok'd by freſh Grievances,
 'greater than they had yet felt, as thoſe would
 'certainly be, that muſt ariſe from the calling
 'in the Silver Coin. That if this was done,
 'however Things might be manag'd and accom-
 'modated at Home, it were impoſſible to main-
 'tain either the Commerce or the War abroad;
 'for neither the Merchant could be paid his Bills
 'of Exchange, nor the Soldier receive his Sub-
 'ſiſtence. That this was to lay the Ax to the
 'Root, and to dig up the Foundation of the
 'Government. That if this Deſign were proſe-
 'cuted, Trade would unavoidably ſtand ſtill
 'for want of mutual Payments; whence ſuch
 'Diſorder and Confuſion would certainly follow,
 'as would diſcourage and diſhearten the People
 'in the higheſt Meaſure, if not drive them to
 'perfect Diſpair, as Diſpair would to the moſt
 'terrible Extremities. That therefore recoin-
 'ing the Money at this Time, was by no
 'Means to be attempted without hazarding
 'All.

'Twas alledg'd by Mr. Montague, who was
 of the contrary Opinion, and to which many
 eminent Members adher'd, That the Miſchief
 would be fatal, if a preſent Remedy was not found
 out and apply'd. That by Reaſon of the ill State
 of the Coin, the Change abroad was infinitely to the
 Nation's Prejudice. That the Supplies that were
 rais'd to maintain the Army, would never attain
 their

their End, being so much diminish'd, and devour'd by the unequal Change, and exorbitant Premiums before they reach'd the Camp. That this was the unhappy Cause that the Guineas advanc'd to thirty Shillings, and foreign Gold in Proportion. That therefore, to the Nation's great Loss, not only the Dutch, but indeed all Europe sent that Commodity to this Market, and would continue to do so, 'till the Nation should be impoverish'd and undone by Plenty of Gold. That we must exchange for their Gold, our Goods, or our Silver, 'till at last we should have only Guineas to Trade withal; which no Body could think our Neighbours would be so kind to receive back at the Value they were at here. That therefore this Disease would every Day take deeper Root, infect the very Vitals of the Nation, and, if not remedy'd, would soon become incurable. That our Enemies would be mightily intimidated by so great an Action, and would sooner be induc'd to agree to honourable Terms of Peace, in case they saw us able to surmount that Difficulty, by the relieving the ill State of the Coin, on which their Hopes of the Nation's speedy Ruin so much depended; and that it would justly create a mighty Esteem Abroad, of the Greatness and Wisdom of the Parliament of England, which was able to conquer such an obstinate, and almost insuperable Evil in such a Juncture of Affairs.

These Matters being fully debated, the House resolv'd, by a Majority of 60 Voices, (such was the Weight of Mr. Montague's Argument) to recoin the Silver-Money, chusing rather to run the Hazard of great Inconveniencies, than by a longer Neglect, to expose the Kingdom to apparent Ruin. The next Step was to consider, Whether the several Denominations of the new Money, should have

have the same Weight and Fineness as the old, or whether the establish'd Standard should be rais'd? This Question likewise produc'd many Debates, among which, Mr. Robert Harley, who was for raising the Standard, and jealous of Mr. Montague's growing Interest, and rising Greatness, argu'd, ' That the Price of an Ounce of Silver Bullion, was advanc'd to six Shillings and three Pence, and therefore the Standard ought to be rais'd to an Equality. That the raising the Standard, would prevent the Exportation of our Coin, and the melting it down, which of late Years had been much practis'd, to the great Prejudice of the Kingdom; and that it would encourage People to bring in their Plate and Bullion into the Mint. " To this, Mr. Montague, the Chancellor of the Exchequer, reply'd, That he was for preserving the old Standard, and that as to the Price of Bullion, then rais'd to six Shillings and three Pence, it was impossible the Price of Silver could rise and fall in respect of it self; but the Alteration of the Value of Bullion, was merely in relation to diminish'd Money; for it was still Matter of Fact, that with five Shillings and two Pence of new mill'd Money, they could buy an Ounce of Bullion, while those who paid it with clipp'd Pieces, paid six Shillings and three Pence. As to the Argument of preventing the Exportation of Money, by raising the Standard, it was answer'd by the same worthy Person, That there was no Way possible to keep our Money at Home, but by out-trading our Neighbours, and sending them more Commodities, or of greater Value than we receiv'd from them, &c. So that Mr. Montague again carry'd his Point maugre all Opposition, and had the Honour of a Majority that

determin'd in favour of his Proposal, and resolv'd, That all clipp'd Money should be receiv'd, according to the establish'd Standard of the Mint, both as to the Weight and Fineness. Hereupon Mr. Chancellor of the Exchequer, in pursuance of this Resolution, had Leave to prepare and bring in a Bill for regulating the Coinage of the Silver Money, with a Clause of Loan to be inserted in it, in favour of such as would advance Money on the Credit of the Exchequer in general, transferrable to such Funds as should be settled by Parliament, towards making good the Deficiency of the clipp'd Money; as also an Order to take Care therein, that all Persons who should bring in clipp'd Money, should have a Recompence for the same; for which 1200000*l.* were to be rais'd by a Tax upon Window-Lights, &c.

This wise Procedure, with his Insertion of another Clause in the said Bill, To prevent the melting down and Exportation of Coin, or any Bullion, in Concert with one, To prohibit the Use of Plate in publick Houses, prov'd a very useful Expedient to supply the Mints with Bullion, and to circulate Trade; which for some short Time had a Stop put to it, by the Surprize People were under at the Boldness of an Attempt they look'd upon to be impracticable. Yet, notwithstanding the aforesaid Bill met with little Interruption from the House of Commons, thro' which it pass'd, and was handed to the Lords very successfully, the Peers thought fit to clog it with so many Amendments, which could not be agreed to after several Debates and Conferences. Wherefore Mr. Montague, no ways dishearten'd in the Pursuit of the publick Interest,

rest; brought in another for *Remedying the ill State of the Coin of the Kingdom*; which having been read three Times, and consented to by the Commons, had the Concurrence of the Lords, and the Royal Assent, tho' little different from the other, but in the Words of the Title, which the Chancellor had very artfully contriv'd.

The Result of this Act was so amazing and stupendous, that the *French King*, who had wish'd for nothing more than the Entrance upon so hazardous an Undertaking, seeing our Treasures were as inexhaustible as our Projects, from that Time forward entertain'd Thoughts of Peace, and was induc'd to give Ear to some Proposals that had been made by the Baron *Littlenoot*, Embassador from *Charles II*, King of *Sweden*; and by the Continuance of other successful Methods for supporting the Charge of an expensive War, in Consequence of the Chancellor of the Exchequer's provident and minding Schemes, were accepted, and follow'd two Years after by the Treaty of *Ryswick*; which, tho' not so advantageous as could have been wish'd, was prudently concluded, since the Contentions that were then rising, and afterwards grew to a Height between the two Houses of Parliament, might have made it less beneficial.

But the *remedying the ill State of the Coin*, (how miraculously soever accomplish'd) was not to be the most prudent and most fortunate Achievement of this great and adventurous Statesman; he had, like another *Hercules*, after the Conquest and Removal of one Difficulty, others of a more dangerous Nature to encounter with; and the *Loss of publick Credit*, which in

the Year 1696, seem'd irretrievable, was to owe its Recovery to his Conduct. He therefore, with his wonted Forecast, set himself at work to extricate the Nation from the inconceivable Pressures wherewith it was involv'd: For the Tallies struck, or Funds settled by Parliament, especially such as were remote, were exchange'd for ready Money at a great Loss; and the Government was oblig'd to make excessive Discounts and Allowances, to bring Treasure into the Exchequer. This great Loss of Credit, which was like to prove fatal to our Affairs in the preceeding Campaign, arose chiefly from two Springs: First, the Deficiencies of Parliamentary Funds, particularly the unhappy Project of the Land-Bank, which and prov'd wholly abortive, and did not produce one Penny of above two Millions and a half with which it was charg'd: Secondly, the recoinage of the Silver. The first created Trust, and the latter destroy'd it, by making Money scarce. 'Tis easy to imagine what perishing Circumstances the Nation was in, when the Notes of the Bank of *England*, which had been a mighty Help to the Publick, were discounted at twenty, and Tallies at forty, fifty, and sixty *per Cent.* The Government had contracted a great Debt, some Funds were wholly taken away, and the rest render'd deficient; great Numbers of Tallies were on Funds very remote, and some had no Funds at all. Hereby the Trust and good Opinion of the People were so far lost, that those who had any Money to lend, shew'd the greatest Backwardness imaginable to bring it into the Exchequer, when they could *Stockjob* it to a much greater Advantage in *Exchange-Alley*;

Alley; and therefore all Loans to the Government, were procur'd on exorbitant Premiums.

All Men were struck with Horror and Confusion, at this Obstruction to Trade and Credit, which had wholly deserted their wonted Channel, and hardly believ'd it to be in Human Wit to find out any Expedient to recover them from so great a Disorder and Mischief, till the Nation saw it self once more oblig'd to the Wisdom, Sagacity, and Eloquence of *Mr. Montague*, who gave Life to the whole Design, and projected and invigorated the most happy Methods that brought it to a happy Effect. By his Means it was, and the Interest he had in the House of Commons, that an Estimate was made, and laid before them, of what Sums were, or would be wanting, to discharge all the Principal and Interest due, or to become due, on the several Aids, Duties, or Funds, over and above all Arrears then standing out upon them that were determin'd; besides all Moneys to be rais'd by such as were unexpir'd: To him it was owing, that the People were given to understand, that by former Mismanagements, and some Exigencies of State, the Nation was indebted five Millions, one hundred, and sixty thousand, four hundred Pounds; and to him, that having got to the Bottom of the Disease, they came to Resolutions for a thorough Cure. For the House being made sensible, that if some Deficiencies had been taken Care of, and others neglected, publick Credit must have continu'd lame, and the Government have halted, if it had not fallen to the Ground; they judg'd it of absolute Necessity to make Provision for the whole, that so there should remain no Tally with-

out

out a Fund, nor any Tally on a deficient Fund, but what in its Course of Payment, should be satisfy'd and discharg'd.

In order to this, they continu'd diverse Duties arising not only by the Customs, but by continuing additional Impositions, after the Day on which they would otherwise have expir'd, and appointed all the Monies which should arise, and be brought into his Majesty's Exchequer, from any of those Taxes, or Duties, from the Day on which they were otherwise to expire, to the first Day of *August*, 1706, to be the general Fund for making good all the deficient Ones, by the Satisfaction and Payment of the Principal and Interest due, or to become due thereupon. And that all Occasion of Complaint might be remov'd, and equal Provision made for all, the Parliament directed, according to Mr. *Montague's* Scheme, that all Monies arising from the Duties so, as before, appropriated for the general Fund, should be distributed and apply'd to pay Principal and Interest upon every one of the deficient Funds, in Proportion to the Sum of which they were deficient; and that all the Money which should be in such a due Proportion distributed, or plac'd to the Accompt of each deficient Tax or Fund, for the Discharge of Principal and Interest, should be paid out to all who were intitled to receive the same, in such Course and Order, as if the same Monies were really arising by the respective deficient Funds, and that without being diverted, misapply'd, or postpon'd; and made the Officers of his Majesty's Treasury, liable to great Penalties, in case, that Method was not observ'd. More-
over,

over, to remove all Doubts about the Security intended to be given, in case that on the first of *August*, 1706, or within three Months then next ensuing, the whole Produce of the several Funds and Revenues appropriated for a general Fund, together with other Grants then in Being, should not be sufficient to discharge the Sum of five Millions, one hundred and sixty thousand four hundred Pounds, intended to be discharg'd, that then what was deficient, should be made good out of such Aids or Revenues as should be granted in the next Session of Parliament.

Thus, through the Interest he had in the House of Commons, those worthy Patriots, by an admirable Stroke of Wisdom, as well as a noble Act of publick Justice, provided a sufficient Security for that great Debt that lay heavy upon the Nation, which was all that could be demanded or expected, at a Time when Money was not in Being, and therefore not to be had. And thus, because all the Branches of publick Credit did plainly depend on, and mutually support each other, the Parliament, by his Means, took into Consideration, by what Methods they might buoy up the Credit of the Bank of *England*, which was then ready to sink.

The Parliament, on *February* 3, 1696, agreed to augment the common capital Stock of the said Bank, by admitting new Subscriptions; which new Subscriptions should be made good in Tallies and *Bank-Notes*. The Proportion was four Fifths of the first, and one Fifth of the last; and an Interest of eight *per Cent.* was allow'd, as well for such Tallies that should be brought

brought in to enlarge their Stock by new Subscriptions, as for those Tallies which the Company was then possess'd of; provided they did not exceed the Value of those Bank-Notes, which should be paid in upon this Engraftment on their new Stock; and for securing the Payment of their Interest of eight *per Cent.* the additional Duty on Salt was afterwards granted and appropriated. They likewise thought to extend the Time of the Continuance of the Bank of *England*, to the Year 1710; gave Liberty to enlarge the Number of its Bills, voted that no other Bank should be erected in Prejudice of it, and made it one of their chief Cares to prevent the abetting, counterfeiting, or forging any Bank Bills, or Notes; as likewise the defacing, rasing, or altering any Indersement, upon any such Bill, or Note, &c. Upon which Encouragements, a Million was subscrib'd, and paid in Tallies and Bank-Notes, as the Parliament directed. This Expedient, says a learned Historian, now a Dignitary in the Church, *Was the Result of Mr. Charles Montague's Skill and Prudence; and tho' many Persons, who were interested in it, could not presently apprehend the Reasonableness of it, yet the Advantages they afterwards receiv'd, did fully convince them, that no other Way could have been found to call back their sinking Credit.* For the Value of two hundred thousand Pounds in Bank-Notes, being sunk by the new Subscription, (the rest, as it was reasonable to believe they would) began presently to rise in Worth; and so likewise did the Tallies, after so many as amounted to eight hundred thousand Pounds, were paid in to enlarge the Bank. Upon this,

the Credit at *Grocers-Hall* recover'd apace, 'till, in a short Time, their Notes, which bore no Interest, were at a *Par* with Money, and their Bills that bore Interest, better than Money. And by this Means the Face of Affairs was much chang'd for the better, and bore a more lively Complexion. Credit was brought out of those Agonies wherein it was like to expire, and Money began to circulate on very moderate Terms; foreign Exchange being less to our Disadvantage, and soon after brought to an Equality: And whatsoever Hardships the People had undergone, by the Means of a long and expensive War, and the re-coining of the Silver Money, which could not but occasion Complaints, yet the greatest Part attributed this to the Necessity of Affairs, and began to hope, both from the Prospect of a Peace, and the Wisdom of those at the Helm, amongst whom Mr. *Montague* was of the first Class, that they should enjoy more favourable Times.

Another Evil of no less Difficulty, or Importance, than the Loss of Credit, (and which, as was hinted as before, was one of the Springs of the latter) the *British Machiavel*, very providently foresaw, remained still to be remov'd, and that was the great *Scarcity of Money*. He therefore made a Motion in Parliament, to prevent Disappointments, by settling Funds which might be deficient, which was follow'd by a Resolution, *That the Supplies for the Year 1697, should be rais'd within a Year*. But how could above five Millions be rais'd within the Year, while the Silver Money was call'd in, and re-coining, and there was not current Coin enough in the Nation to answer the Occasions

of Trade, and scarcely the Conveniencies and Necessities of Life? This Vote in Parliament seem'd impracticable; the Enemies of the Government made themselves merry with it, and, instead of raising their Spleen, 'twas the Entertainment of their pleasant Humour: Nay, many, even fast Friends, and of unshaken Affection for the Government, imagin'd that our Senators, by this, rather express'd their Zeal and Willingness, than their Ability, to support the State, and maintain the present Settlement. But this Parliament, for whose Consultations it was reserv'd to surmount Difficulties that were look'd on as invincible, made Money without Bullion, and distributed great Quantity of Coin without the help of the Mint. This they did by authorizing the Lords of the Treasury to issue out Bills from the Exchequer, to the Value, first and last, of above two Millions; which Bills, were first appointed to be brought in, and sunk upon the Capitation-Tax then on Foot; but before the Sessions ended, the Chancellor of the Exchequer, having convinc'd the House, from the first Collection of that Duty, that it would prove very deficient, they appointed the Exchequer-Bills to be brought in, on any other of the King's Duties or Revenues, but the Land-Tax; and by his Advice, allow'd an Interest of seven Pounds twelve Shillings *per Annum*, upon the second issuing the said Bills out of the Exchequer; whereas at first they bore no Interest. By this, a good Foundation was made for Paper-Money to supply the Place of the Silver Coin; for so many Payments were to be made at this Time into the Exchequer, that when the People had Assurance

surance given them, that the Exchequer Notes
 should be receiv'd back again in Payment of the
 King's Treasury, they were all satisfy'd to take
 them, at first indeed at a small Discount, but
 not long after, at an Equality. A great Num-
 ber of these Notes were only for five or ten
 Pounds, which answer'd the Necessity of Com-
 merce among the meaner People, for the common
 Conveniencies of Life. And that those who ad-
 vanc'd Money on Loans, upon any Part of the
 King's Revenues, might not be oblig'd to receive
 it back in Notes that were under the Value of
 Money, to strengthen the Reputation of these
 Bills, the Lords of the Treasury were authoriz'd
 to contract with any Corporation, or Numbers of
 private Men, and to allow them a competent
Premium, provided they oblig'd themselves to ex-
 change those Notes for ready Money, when ten-
 der'd to them for that Purpose. The Credit of
 the Exchequer Notes being thus secur'd, they dai-
 ly arose nearer to *Par*, 'till at last they exceeded
 the Value of Money. And whereas the Trustees,
 with whom the Government had contracted to
 exchange them, were at first allow'd Ten *per*
Cent. as a *Premium*, they were since content to do
 it for Four. These Bills pass'd as so many Coun-
 ters, which the People very readily believ'd, be-
 cause they knew the Exchequer would take them
 again as so much Money in Hand. And these
 State-Counters so well supply'd the Want of
 Money, 'till new Coin was issu'd from the Mint,
 that Trade and Commerce were maintain'd, and
 mutual Payments effectually made to answer the
 Demands of the Government and the People.
This Project, says my Historian before-mention'd,
 (which prov'd a sufficient, tho' a Paper-Prop, to sup-

port the State, when its Silver Pillars, if I may so speak, were for a Time remov'd) was likewise owing to the Prudence and Industry of Mr. Charles Montague, as well as that of re-coining the Money, which those very Men, who env'y'd most his Success in the House of Commons, and growing Power at Court, were afterwards contented to call a Fortunate Temerity.

While the Parliament was thus consulting the Interest of the Sovereign and the People, they met with some Interruption to their Proceedings, from a very uncommon Affair. One Sir John Fenwick, a Gentleman of a good Family in Northumberland, and descended from very Loyal Ancestors, had been taken at New Romney in Kent, in an Attempt to pass over to France, after a Proclamation had been issued out against him, for being concern'd in a Conspiracy to assassinate the King's Majesty, with several others that had been executed for the same, (as Sir William Perkins, Sir John Freind, &c.) and to subvert the Constitution then in Being; but had found Means to delay his Tryal, from the Month of June, wherein he was apprehended, 'till a considerable Time after; nay, even to the Return of the King from Holland, in October following, during which Time, he had contriv'd by his Agents abroad, for a Sum of Money, to prevail with one Cardel Goodman, that was an Evidence against him, and had, with Captain Porter, accus'd him upon Oath, to withdraw himself into France; by the Means of which, he was not without Hopes of being acquitted, since the late Act of Parliament for regulating Tryals in Cases of High Treason, had made it unlawful for any Person to be convicted of that capital Crime, but by the Depositions of two credible Witnesses.

Witnesses. But he had, during his Confinement in the *Tower*, acted so disingeniously, through the Perswasion of a certain Lord, who, to gratify a private Resentment, or rather to trick him out of his Life, as to accuse several of the King's best Friends, viz. the Duke of *Shrewsbury*, the Earl of *Marlborough*, Lord *Godolphin*, Admiral *Russel*, Commissary *Crawford*, &c. that it had exasperated the Court against him, who, finding themselves abus'd by such clandestine Practices, and having no Room left to bring him to Punishment by the ordinary Course of Law, advis'd the King to deliver the Papers wherein the said Accusation was inserted, to Mr. *Russel*, who, as a Member of the House, laid them before the Commons, and desir'd them to be read, that he, and other Persons concern'd therein, might justify themselves. Accordingly they were read, and Sir *John Fenwick* was immediately order'd to be brought before them, who, instead of making the Discovery promis'd therein, had little or nothing to say; wherefore a Bill was brought in to attaint him of High Treason.

As this was a new and extraordinary Procedure, so a great many Members, that were Well-wishers to the Government, could not but think themselves bound to oppose it, in particular Mr. *Boyle*, (now Lord *Carlton*) Sir *Edward Seymour*, Sir *Christopher Musgrave*, *John How*, Esq; Mr. *Harley*, &c. the second of which, not to particularize, in his Answer to several others, he reply'd to in the Close of that Affair, in these Words.

The

The Third Reading of the BILL after this Manner.

Mr. Speaker,

THE Gentleman that spoke last, (Sir Edward Seymour) hath carry'd the Reason against this Bill a little farther than some others; for it seems now, we are not to reject the Bill, for want of one Witness that is legal in *Westminster-Hall*; but it seems there is no Evidence at all; and, by Capt. Porter's not being pardon'd and yet *drudging* for his Pardon, as to all that have been condemn'd upon his Testimony, he hath arraign'd the Evidence as not sufficient, and hopes that will be the Judgment of the House upon the Bill. I think if the House rejects this Bill upon that Argument, it will go farther than many mean that oppose it.

Another Thing he says, he compares the Convictions that I have upon my Judgment, and of every Body else, who speak from the Proofs that are made, that he is guilty to the *Whims of two or three Mad-Men*; whereas we go according to the Evidence brought at the Bar; we don't go upon the Whimfies of *Raviliac* and *Felton*, but upon the Proofs that have been made here; and though there are not two Witnesses, yet upon what appears in Proof, I am convinc'd that he is guilty; and upon that Conviction, I think, according to the Duty I owe my Country, and the Constitution of *England*, when a Bill does come to punish the Man whom I think guilty, I think I ought to be for the Bill. As to what is said out of *Deuteronomy*, that the *Law of God is against it*, if you will

will argue a *Fortiori*, 'tis literally true in the Case of Murder; but whether Murder or Treason, there is the Life of a Man concern'd; and 'tis not the Punishment, whether to be hang'd, or hang'd, drawn, and quarter'd, that makes any great Difference; and give me Leave to say, if you make Precedents from the *Jewish Law*, then I say, the Law of *England* is against that Law in Case of Murder; and, by the same Reason, you may desire Leave to bring in a Bill to repeal all those Laws.

Sir,

If this was the *Eternal Law*, of God and Man, where was this *Eternal Law* before *Edward* the 6th's Time? If it be the *Eternal Law* that there must be two Witnesses, why does it not hold in *England*, even in some Cases of Treason to this Day, I mean the Treason of Clipping and Coining? So that the Nature of these Faults, is what the Law of every Country ordains, and that is the Law. And the Way of Evidence and Proof too, differs in every Country; and I affirm, that there never was any Government in which there was not a Power lodg'd some where to be exerted upon extraordinary Occasions, beyond the common Way of Prosecution.

I don't care to travel into the several Countries, to see how their Constitution is; but I believe there is not one Place in *Europe*, in which it is strictly necessary there should be two Witnesses to take away the Life of a Man; but it is generally so as it is here, in all ordinary Cases; but in this Case, this last Law does not go upon two Witnesses; for you have
a Pro-

a Proviso in it, which does absolutely except
 Proceedings in Parliament. I do not infer from
 thence, that you should not have two Witnes-
 ses if you proceed by Way of Impeachment,
 I think you ought, and so for Witnesses having
 upon Oath, &c. When these Proceedings
 are in Parliament, there is a direct Proviso, by
 which the Parliament is exempted from those
 Rules. Upon the whole Matter, I think this
 Man is guilty; I think the Precedent would be
 more fatal, to say that a Parliament cannot
 proceed in such a Case, than that a guilty Man
 should suffer. Here is a Bill found against
 him by his Country, the Evidence of his
 Friends having tamper'd with one of the Wit-
 nesses, (*viz.* Capt. Porter, by Clancey, convic-
 ted for the same) confirm'd by a Jury, &c.

A learned Gentleman says, he could come
 up to make this Paper Evidence, (but can't
 come up to make such a Law) by which every
 other Man that is concern'd in that Deposition,
 would be affected; but here is something par-
 ticular in this Case; a Man that hath been
 abroad, and hath not us'd the like Artifice, I
 think you ought not to use the like Power to
 punish him that is not guilty of the like Crime.
 And therefore I shall conclude: But I must take
 Notice of one Thing, — It was said, that this
 was the first Precedent of this Kind begun in
 this House, but that of the Duke of *Monmouth*;
 but I believe, if this Bill of Attainder is not
 to be begun in this House, 'tis not to be brought
 in at all; for I believe that there is a Statute,
 wherein the Life of a Commoner is never
 to be meddled with by the Lords, originally.
 I will not trouble you any farther, I do in my
 Consci-

Conscience think, that Sir *John Fenwick* is guilty, and therefore I am for this Bill.

Whether those that were for attainting this unhappy Gentleman, who, if he had acted more discreetly, would have deserv'd a better Fate, were in the Right. I shall not determine, but such was the Interest of the Great Men whom he had provok'd, especially of Mr. *Mountague*, who could not but have the utmost Abhorrence of evil Practices against his Sovereign Lord and Master, that the Bill pass'd, by a Majority of 33 Voices in the House of Commons, and was carry'd in that of the Peers, by seven in the Affirmative.

To return to the more immediate Particulars of this illustrious Personage's Life, without blending them with the Actions of others, which must be done in the Recital of such Occurrences as are of a Piece with the foregoing Debates, after I have recollected what had well nigh escap'd my Memory, by letting the Reader know, that he was no sooner in a Capacity of rewarding eminent Deserts, but he readily embrac'd all Occasions of doing it; and became the Patron of Wit, that had before been the Mirror of it; as was exemplify'd in his Care of Mr. *Stepney*, whom he procur'd, by his Interest, to be sent to the Courts of several Princes, in the Quality of Envoy Extraordinary; Mr. *Congreve*, whom he not only generously supported and encourag'd, but handsomely provided for, by getting him admitted into several profitable Posts; Mr. *Addison*, whom he advanc'd to the Figure he now makes in the political and learned World, by recommending him, with the just Intercession of my Lord *Somers*, to a travelling Post, at the Charge of King *William*; thro' the Means of which,

no Nation can shew a more succinct and useful Account of *Italy* than ours; and many others, that distinguish themselves, at this Day, by their celebrated Writings, highly instrumental to the Improvement and Edification of Mankind. The false Endorsement of Exchequer Bills, being grown into a Practice in the Year 1697, the Commons, led thereunto by the Reasons Mr. *Montague* gave for a thorough Examination into that Affair, in order to redress the Grievances which were the natural Consequences of it, took it under their Consideration: Now, because there was an Interest of five Pounds twelve Shillings *per Ann.* allow'd upon the second issuing the said Bills out of the Exchequer, after they had been paid in on any of the King's Taxes; whereas, at their first issuing out of the Exchequer, this encourag'd several of the Officers of the Customs and the Excise, to contrive together to get great Sums of Money by false Endorsements on these Exchequer Bills, before they had circulated about, and been brought into any Branch of his Majesty's Revenue; the most considerable Persons, were Mr. *Charles* (afterwards Sir *Charles*) *Duncomb*, Receiver-General of the Excise; Mr. *John Knight*, Treasurer of the Customs; Mr. *Bartholomew Burton*, who had a Place in the Excise-Office; and Mr. *Reginald Marriot*, one of the Deputy-Tellers of the Exchequer, which last, to get his Pardon, compounded to accuse the rest. Upon a full Proof of the Matter, which the Chancellor of the Exchequer follow'd thro' all its Windings and Meanders, *Duncomb* and *Knight*, who were Members of Parliament, were expell'd the House of Commons, and committed Prisoners to the Tower, and *Burton* sent to Newgate, and Bills brought in to punish them. That a-

gainst

gainst Mr. *Duncomb*, who appear'd to be the most flagrant Offender, whereby a Fine of near half his Estate (which at that Time was judg'd to amount to 400000*l.*) was set upon him, quickly pass'd the House of Commons, notwithstanding the Opposition that was made to it. But being sent up to the House of Lords, was rejected by the single Voice of the Duke of *Leeds*, so that the impending Storm that would have shower'd down Treasure enough to have amply provided for some of the emergent Occasions of the State, was suppos'd to be dispell'd by a Golden Sacrifice. The Bills against *Knight* and *Burton* had the same Fate, by which all those threatening Clouds that seem'd ready to crush the false Endorsers, spent themselves in Vapour and Noise, without having that happy Issue which was propos'd by Mr. *Montague*. The first Time he acted unsuccessfully in Parliament, and was not superior in his Schemes to all Manner of Opposition.

Hereupon his Enemies, flush'd by having once obtain'd the Superiority over him, and thinking to carry all other Points against him, under a Pretence of applying all the forfeited Estates to the Use of the Publick, made an Enquiry into the Grants made by King *Charles II* and *James II*, and order'd a Bill to be brought in to make them void, which they did, with no other View, for it was the least of their Designs to have it pass into an Act, than to inspect into the Grants of King *William* in *Ireland*, and because one was found made there to Mr. *Roylton*, which Mr. *Montague* very readily own'd to be for his Benefit, a Warm Debate arose, wherein a Motion was made, that he should withdraw, which passing in the negative.

Negative, it was resolv'd by a great Majority that it was the Opinion of the House, That Charles Montague, Esq; Chancellor of the Exchequer, for his good Services to the Government, did deserve his Majesty's Favour. A Vote that will render his Name famous to all succeeding Ages.

The next Thing Mr. Montague, who improv'd all Advantages that offer'd for the Good of the Publick, had to do, was to take into Consideration, a Proposal given into the House of Commons by Samuel Shepherd, Gilbert Heathcote, and several other eminent Merchants, for raising two Millions at 8 l. per Cent. on Condition that the Trade to India might be settled on the Subscribers exclusive of all others, &c. which being thought of much greater Consequence to support the Government, under its present Necessity, than one given in by the Old Company for Advancing 700000 l. at 4 l. per Cent. in Case the Trade to India might be settled upon them on the same Terms, was comply'd with; a Bill being order'd to be brought in for that Purpose; tho' not before the Chancellor of the Exchequer had, to take away all Colour of Injustice, signify'd to the Members of the Old Company, That the Commons would have so much Regard to their Settlements, &c. as to settle that Trade upon them, if they would accept it on the same Terms and Limitations on which the others were content to take it, and which the Parliament judg'd most advantagious to the Kingdom. But the said Company having rejected it, tho' they would have clos'd with it, when too late, the Bill pass'd the House of Commons, tho' not without great Opposition, and was sent to the Lords, who, after having maturely weigh'd the Reasons

Reasons on both Sides, likewise gave their Concurrence to it.

While it was depending in the House of Commons, the most substantial Arguments against it, were, ' That the Bill invaded the Old Company's Property, and ruin'd many Families: ' That in the Charters granted to that Company by Queen *Elizabeth*, King *James Ist*, King *Charles IId*, and King *James IId*, it was suggested, that their Corporation was for the Honour of *England*, for the Increase of Navigation, and for the Advantage of Trade; That the said Charters contain'd a Grant of the Trade to the *East-Indies* to the Company, exclusive of all others: That by some of them, they were constituted the Lords-Proprietors of *Bombay*, and of the Island of *St. Helena*: That, by these Grants, they were induc'd to think they had a Right in Law to that Trade; at least, that they should have an uncontested Title to the Lands: And that on this Presumption, they had expended above a Million of Money, and acquir'd Revenues of 44000*l.* per *Ann.* and many Settlements and Privileges: That the House of Commons had resolv'd, in the Year 1691, that the *East-India* Trade should be carry'd on by them in a Joint-Stock, exclusive of all others: That their Company was confirm'd by three Charters granted by King *William*, then reigning: That there was a new Subscription of 744000*l.* and the Money brought in during the Session of Parliament; and that nothing was done, said, or offer'd against his Majesty's Charter of Regulations; so that upon the Publick Faith, (at least tacitly given) seventy eight new Adventurers, of which many were

‘ were Widows and Orphans, did subscribe a
 ‘ large Part of their Substance to support this
 ‘ Trade, during a hazardous War, for the Profit
 ‘ and Honour of England, &c. To this Mr. Montague reply’d,

Mr. SPEAKER,

AS I have the Honour to know the King’s Sentiments on this Head, before whom, the several Charters granted to the East-India Company have been laid, so I must beg your, and the House’s Patience, if, in an Answer to what the worthy Member that spoke last, (Sir Edward Seymour) who, as you shall know hereafter, has been appriz’d of the Tenor of his Majesty’s Intentions better formerly than he seems to do now, I represent to you, That in the Recital of their Charters, the Company have omitted to give an Account of the Proviso’s inserted therein, viz. That the respective Kings that granted them, reserv’d a Power to make them void upon three Years Warning. SIR, The King by his Charter, could not grant the Trade to the East-Indies exclusive of all others; and several Recoveries at Law have been made against them, for prosecuting such pretended Right. Wherefore, since the Crown has not a Power to grant such a Right, it is injurious to his Majesty’s Honour, to say, that the King, now reigning, has in Fact granted any such Right exclusive. They only mention one of our Resolutions in the Year 1691, but willfully omit another, wherein it is said, That it was lawful for all Persons to trade to the East-Indies, unless restrain’d by Act of Parliament. Neither have they taken Notice of the Two Addresses made by this House to the King in 1691, and 1692, to dissolve the Company; and that on the 14th of September, 1692, this, Sir Edward Seymour, who is now turn’d such

an Advocate in their Behalf, declar'd, in a Message from his Majesty, saying, that his Majesty had requir'd the East-India Company to answer directly, whether they would submit to such Regulations as his Majesty should judge proper and most likely to advance the Trade? And the Company having fully agreed to it, and declar'd their Resolution in Writing, his Majesty had commanded a Committee of Privy Council to prepare Regulations, which they did, and offer'd them to the Company, who, notwithstanding this Declaration of Submission, rejected almost all the material Particulars. So that his Majesty finding that what possibly the House of Commons might have expected, and indeed is very necessary to preserve the Trade, could not be perfected by his own Authority alone; and that the Commons could not be induc'd to consent to any such Regulations, as might have answer'd the Intentions of the House of Commons; and that the Concurrence of the Parliament was requisite to make a compleat and useful Settlement of this Trade, had directed all the Proceedings in this Matter, to be laid before them, and recommended to them the preparing such a Bill, in order to pass into an Act, as might establish this Trade on such Foundations as were most likely to preserve and advance it. Now, that this Bill has such a Tendency as is desir'd by the King, is most unquestionable.

Besides, the new Adventurers have this to say in Behalf of themselves, that the Charter of the old Company being become void by their Non-payment of the Tax impos'd on them by Parliament, they obtain'd a new Charter in October 1694, by indirect Means, having that Year paid eighty odd thousand Pounds out of the Company's Stock, for special Service; and that this Charter has been contested before the Council, by those they call'd Interlopers; upon the hearing where-
of,

of, it was unanimously prov'd, that the King had not by Law, a Power to grant the Trade to some Person exclusive of others; and that the Company's Affairs were at that Time in such a Condition, that it would be a plain Cheat to others, who should come into their Stock. They, however, (Law and Reason failing) had Recourse to other Methods, and great Sums of Money were distributed, (as it was acknowledg'd before a Committee of both Houses of Parliament) to get another Charter; but those who were concern'd to advise his Majesty in Point of Law, were so just to their Cause, as to take Care, that no Right of Trade, exclusive of others, was granted; and to provide, that the Company should submit to such Alterations, Restrictions, and Qualifications, as the King should make. In Consequence of which, a new Charter of Regulations was granted on the 17th of November, 1693, and another on the 28th of September, 1694, wherein, amongst other Things, was this Proviso; That if it shall appear to the King, his Heirs, and Successors, that the said two Charters, heretofore granted, shall not be profitable to the King, his Heirs, and Successors, and to this Realm; that then, and from thenceforth, upon, and after three Years Warning, to be given to the said Company by the King, &c. the same shall cease, be void, and determin'd. Moreover, it appears by the Proceedings of the House of Commons in 1694, how this Charter was obtain'd, which had more in it of private Promises than publick Faith: Nor is it a Matter of Wonder, that the Parliament took no Notice of the Matter, whilst the new Subscribers paid in their Money, when it was consider'd, that, according to Sir Basil Firebrass's Depositions, There were several Contracts, some to the Value of 60000 l. on Account of procuring a new Charter, and others to the

the Value of 4000 l. on Account of procuring an Act of Parliament.

By such Means, indeed, Matters were over-look'd for a While, but it was not long before the Parliament took publick Notice of it; and if the greater Affairs of the Nation had not been so urgent, and the Session so near an End, the Company perhaps might have had Justice done them then, and had been past complaining of any imaginary Wrong done them now. Wherefore it is plain that it was not for the Profit and Honour of the Nation, that the new Subscribers came in, but that they were deluded into it by a Charter obtain'd by indirect Ways, and by the Hopes of an Act of Parliament to confirm it to be obtain'd in the same manner: For the Trade would have been most undoubtedly much better preserv'd, and more to the Honour of the Nation, if no such underhand Practices had been carry'd on. And if some People thinking themselves to have a greater Reach than others, or being deceiv'd by the old Company's making his Majesty believe their Stock to be worth 750000 l. and by afterwards sharing 325000 l. of the new Subscribers Money among themselves, or by the Persons sailing them, who had promis'd to get an Act of Parliament, or by Losses at Sea, or by what other Means soever it were, happen'd to fail in their Expectation, no Body was answerable for it but themselves, especially since they had Warning by the Transactions before the Council.

Sir, I must ask you to spare me a little more Time to alledge, tho' I have long trespass'd on your Patience already: That in Edward III. and Queen Elizabeth's Reigns, upon Complaint in Parliament of Patents granted for Monopolies, most of them were immediately revok'd, and the rest left to the Law: That in King James the First's Time, an Act pass'd, to

make void a Charter for the sole Trade to Spain, and another, against all Monopolies: That tho' the Patents for all joint Stocks (whilst the Traders for which they were granted, were in their Infancy) have been permitted for the settling of a Trade, and till the first Adventurers have receiv'd some reasonable Compensation for their first Undertaking and Adventures, yet afterwards, when those Trades have increased, and become great, the Wisdom of the Nation has always thought fit to open a Way for the Kingdom to receive a general Benefit thereby. I am also to observe to this honourable House, that it never has esteem'd a Breach of the publick Faith, or a Degradation either from the Credit of the Great Seal, or from the Honour of our Kings, to have their Patents annull'd by Parliament, when the Grants were thought by that Grand Council of the Nation, not to be profitable, or to be against the common Right of the Subject, or that no King or Queen thought themselves bound in Honour or Conscience, not to pass an Act of Parliament to make void such Patent. To this I may add, that the King being busy'd in the many arduous Affairs of the Kingdom, cannot be suppos'd to know always what he may legally grant, and is oftentimes deceiv'd in his Grants, and for that Reason, they are often annull'd by the ordinary Course of Law, and so may this Company's Patent: For all Persons having a Right by Law to trade to the East Indies, unless excluded by Parliament, the King, by his Charter, could not grant to the Company any new Right to the Trade, besides the Privileges of an incorporated Body. Notwithstanding which, the Commons justly bearing a high Veneration to his present Majesty, who has run so great Hazards, and perform'd such glorious Achievements for the Honour and Good of the Nation, have taken Care in this Bill, that

nothing

nothing that interferes with his Majesty's Patent, by which the old Company had indeed Power to trade to the East-Indies, and other Privileges, but without any express Clause to exclude others, or any Covenant, (as was in the former Charters from the Crown) that his Majesty will not likewise grant to others, to trade thither, during the Continuance of the said Charters. So that even according to the Charters themselves, all other Subjects of England have a right to the East-Indies, and many actually now trade thither without any Hindrance.

The old Company may talk of, and value themselves much upon their Dependance on the Securities of their Charters; yet themselves cannot but be convinced, that their Right is not well founded, since they have formerly laid out great Sums of Money to get an Act of Parliament to confirm their Charters, and have lately offered to lend 700000*l.* to the Government, to have the Trade to themselves, exclusive of all others. As to their offering afterwards to raise two Millions, I answer, That they make no such Offer with an Intention that it shall take Effect, but only as an Amusement to gain Time, and so to baffle the Bill; for at the same Time as they agree to submit their Stock to a Valuation of 50 per Cent. they know very well, that others do not value it at any Thing near so much. And as to their subscribing 200000 *l.* subject to make good the subsequent Payment of two Millions, that is only to obtain what they have so long aimed at, an Act of Parliament exclusive for the Sum of 200000 *l.* whereby the King would be defeated of a much more considerable Loan; others delivering us Subscriptions for 1200000 *l.* To conclude, the old Company heretofore thought it an Advantage to admit Foreigners into their Trade; many of which,

are actually now in the present Company, that they are pleas'd to argue against it. Wherefore, Mr. Speaker, I must give it, as my Opinion, from the Premisses, that the Bills ought to pass'd had yet.

Such was the Zeal which People of all Ranks, and even Foreigners, shew'd on this Occasion to assist the Government, and promote the Trade of the Nation, that no sooner was the Bill made an Act by the Royal Assent, and Subscription-Books laid open, by the Commissioners appointed by it, on Thursday the 14th of July, 1698, but on the Saturday following the whole Sum, and something above it, was subscrib'd. Nay, it's very probable that two Millions more had been subscrib'd, had not the Books been shut up before the distant Corporations, private Men in remote Countries, and Merchants beyond the Sea, could remit their Commissions, for the great Sums which they intended to subscribe. The Dispatch of so great a Work, in less than three Days Time, after the Nation had been so chargeable a War for so many Years, surpriz'd and amaz'd all the whole World, and as it greatly mortify'd all those who were joyfully assur'd that his Majesty would be disappointed of this Supply, so it gave our neighbouring Nations an admonishing Image, both of the Opulence of England, and the Strength of the Government.

This Transaction, view'd in all its Circumstances, was indeed so very strange and wonderful, that the like is not to be found in Story, and 'twill be a hard Matter for Posterity to believe it. This is also to be ascrib'd to the Conduct of the incomparable Mr. Montague, who had so much

much Skill in touching the Springs of the People's Affections, that notwithstanding all the Losses they had sustain'd, and all the Expence they had been at, they were prevail'd with to advance this great Supply with such incredible Expedition. And by this Means the Parliament, only by doubling the Duty on Paper and Parchment us'd in Proceedings at Law, and that on Salt, rais'd a Supply of two Millions; which to have done by any another Way, was at that Time a Matter of the highest Difficulty.

Such Marks of Affection and Zeal to his Majesty's Person and Government, were productive of a suitable Esteem in his Royal Master; and his Majesty, after declaring him first Commissioner of the Treasury, in order to render the high Trust he intended to invest him with, less invidious, made him one of the Lords Justices of England, during his Absence in Holland on his necessary Occasions, in the Year 1698; the Duties of which Post he discharg'd with such Fidelity, that he was again thought worthy of acting therein the Year following, 1699; and some Time after the King's Arrival from the Hague, before the meeting of a new Parliament, having contracted some Envy, and some Hatred, by his prevailing Interest at Court, and his long Ascendant in the House of Commons, was call'd up to a Seat among the PEERS, by the Stile and Title of Baron of HALIFAX, in the County of York; the Reason of his Advancement being thus express'd in the Preamble to his Patent, drawn up by Mr. Prior. *Si ab antiquissimâ Procerum familiâ, splendorem derivare honestum; se rebus à se pulchre gestis inclarescere gloriosum censeatur;*

censeatur, utroque hoc Nomine singulari nostra Affi-
 mationi sese commendat prædilectus, & perquam
 fidelis Consiliarius noster CAROLUS MONTA-
 GUE, Armiger, illa Domo ortus qua tres Comi-
 tes & octo simul alterius Ordinis Senatores, in
 Imperii nostri Decus & Subsidium felici Uberrime
 sufficit; illis Virtutibus ornatus, quibus nullum Hono-
 ris Incrementum aut bonus Cipes invidet, aut a quo
 Princeps non ultra offerat. Ingenium ei ad res ardua
 formavit Natura, excoluerunt Litere, perfecere &
 bene dicendi Usus, & graviter agendi exercitatio.
 In tractandis in Senatu Negotiis, strenuum & disertum;
 in Consilio sanctior, fidum & prudentem; in admini-
 strando Aërario habilem & incorruptum; in Fiscis
 Causis adjudicandis integrum & perspicacem ex-
 perti sumus. Quod nobis pro Libertate & Religione,
 pro communi Europa Incolumitate, pro Novemium
 militantibus Bello, Subsidia haud defecerint, id Se-
 natui omni deberi gratè agnoscimus; sed nec tace-
 da est Viri egregii solertia, quæ cautum est ne in
 summâ Nummorum Inopiâ, Fides Publica, Fanor
 plus a quo debilitata consideret. Eiusdem quoque Fa-
 licitati saltem tribuendum, quod Aërario nostro
 Tempore præfuit, quo Monetam Sceleratorum fraude
 vitiatam & inmutatam, Consilio non minus falso
 quam audaci (quod Saculi Opus videbatur) infra
 Biennium recudi & redintegrari ad Admirationem
 vidimus, & ingruentibus Rei Pecuniæ angustis,
 eo Auctore, novam & inusitatam invenimus Rationem,
 qua Charta Pretium arrogando, Divitiarum publicarum
 ampliari curavimus. Ob hæc præstita Officia Populo
 sese charum præbuit; Ob hæc collata in Populum
 Beneficia nostram facile consequutus est gratiam, quæ
 igitur Animi propensione frequentibus subditorum
 Votis solemus respondere, eâ Alacritate hunc Proce-
 rum numero, adscribi volumus, quem Senatus com-

*meriti suffragio, propter sua in nos, nostrosque,
Merita, Regio Favore dignum pronuntiavit,
S&IATIS, &c.*

In ENGLISH.

If it be accounted Honourable to be descend-
ed from a most ancient Family of Noblemen;
if it be any Glory to grow illustrious by great
Actions, proceeding from private and inherent
Merit; our well belov'd, and very faithful Coun-
sellor, CHARLES MONTAGUE, Esq; on both
Accounts, recommends himself to our singular
good Opinion and Esteem, who derives his Splen-
dor from a House which at once very plenti-
fully provides for the Ornament and Support of
our Kingdom, in three Earls, and eight Mem-
bers of Parliament: A Gentleman adorn'd with
those Virtues, to which no good Citizen can
envy any Increase of Honour, and which a just
Prince cannot but freely offer. Nature has in-
form'd him with a Genius to manage Affairs of
the highest Concern, and which, cultivated by
Learning, and brought to Perfection by a conti-
nual Practice of speaking well, and the Exercise
of transacting wisely, we have found him by
Experience, to be strenuous and eloquent in the
Parliament; in Council, faithful and prudent; in
determining Causes relating to the Exchequer,
unblamable and penetrating. We gratefully
acknowledge our selves altogether indebted to
the Parliament, for the Supplies we have re-
ceiv'd to carry on this nine Years War, in fight-
ing for LIBERTY and RELIGION, and the
common SAFETY of all EUROPE. But
we must not pass over in Silence, the Sagacity
of

of this Excellent Gentleman, who took Care that in the greatest Scarcity of Money, the publick Credit should not sink, by being overburthen'd with excessive Interest. We must likewise reckon it a Happiness, that he was as that Time Chancellor of our Exchequer, when, to our Admiration, we beheld the current Money, which was adulterated, and debas'd by the Fraud and Villainy of wicked Men, in the Space of two Years, (tho' accounted the Work of an Age) coin'd anew, and restor'd to its intrinsic Value. An Attempt as fortunate, as it was bold; and the Demands of Money increasing upon us, by his Council and Advice, we enter'd upon a new and unusual Method of establishing a Paper-Credit, whereby we took Care to advance the Riches of the Nation. For these good Offices, he gain'd the Love and Esteem of the People, and for the Benefit which they receiv'd by his Means, he has easily obtain'd ours. Wherefore, as we are always inclin'd to comply with the frequent Wishes of our good Subjects, we willingly, and with all Cheerfulness, call him to the House of PEERS, whom the COMMONS, by a publick Vote for his eminent Services, have pronounc'd deserving of our Royal Favour.

Now know ye, &c.

Having acquainted the Reader, that Mr. Prior drew up the foregoing Patent after his wonted Felicity of expressing himself with a truly Roman Exactness, and omitted in its proper Place, a very material Circumstance relating to that Gentleman, I take the Liberty of inserting it here.

As

As soon as Mr. Montague (now L. Halifax) was in Possession of his first Place at Court, which was that of one of the Clerks of the Council, (an Introduction to more substantial Preferment, and which, upon his Marriage with the Countess of Manchester, at the very Time as he came up to be examin'd for Holy Orders, which he intended to take, for the Sake of a Benefice in the Church, he purchas'd for 1500 l.) Mr. Prior took Occasion to put the Lord Dorset in Mind of himself by the following Letter address'd to Mr. (afterwards Sir) Fleetwood Shepherd, in the following Lines:

When crowding Folks, with strange ill Faces,
 Were making Legs, and begging Places;
 And some with Patents, some with Merit,
 Tir'd out my good Lord Dorset's Spirit;
 Sneaking, I stood among the Crew,
 Desiring much to speak with you:
 I waited while the Clock struck thrice,
 And Foot-man brought out fifty Lies;
 Till Patience vex'd, and Legs grown weary,
 I thought it was in vain to tarry;
 But did opine it might be better,
 By Penny-Post to send a Letter.
 Now, if you miss of this Epistle,
 I'm baulk'd again, and may go Whistle.
 My Business, Sir, you'll quickly guess,
 Is to desire some little Place;
 And fair Pretentions I have for't,
 Much Need, and very small Desert:
 When e'er I writ to you I wanted,
 I always begg'd, you always granted.
 Now, as you took me up when little,
 Gave me my Learning, and my Title,

Ask'd for me, from my Lord, Things fitting,
 Kind as I'd been your own begetting;
 Confirm what formerly you've given,
 Nor leave me now at Six and Seven,
 As Sunderland has left Mun Stephens.
 No Family that takes a Whelp,
 When first he laps, and scarce can yelp,
 Neglects or turns him out of Gate,
 When he's grown up to Dog's Estate:
 Nor Parish, if they once adopt
 The spurious Bears that Strolers drop'd,
 Leave 'em when grown up lusty Fellows,
 To the wide World, that is, the Gallows:
 No, thank 'em for their Love, that's worse
 Than if they'd throttled 'em at Nurse.
 My Uncle, rest his Soul, when living,
 Might have contriv'd me Ways of thriving;
 Taught me with Cyder to replenish
 My Fats, or ebbing Tide of Rhenish.
 So when for Hoek, I drew prick'd White-Wine;
 Swear't had the Flavour, and was right Wine:
 Or sent me with ten Pounds to Furni-
 Val's-Inn, to some good Rogue Attorney,
 Where now, by forging Deeds and cheating,
 I'd had some handsome Ways of getting.
 All this you made me quit, to follow
 That sneaking Whey-fac'd God Apollo:
 Sent me among a fiddling Crew
 Of Folks, I'd never seen nor knew,
 Calliope, and God knows who.
 To add no more Invectives to it,
 You spoil'd the Youth, to make a Poet.
 In common Justice, Sir, there's no Man
 That makes the Whore, but keeps the Woman.
 Among all honest Christian People,
 Whoever breaks Limbs, maintains the Cripple.

The Sum of all I have to say,
Is, that you'd put me in some Way,
And your Petitioner shall pray. —

There's one Thing more I had almost slip't,
But that may do as well in Postscript:
My Friend Charles Montague's prefer'd;
Nor would I have it long observ'd;
That one MOUSE eats, while t' other's starv'd.

Yet, notwithstanding Mr. Prior apply'd himself elsewhere for Preferment, the very Gentleman whom he in the foregoing Verses seem'd to complain of being distinguish'd, exclusive of himself, by an Office of Trust, seem'd reserv'd to promote him, as he did by recommending him to the Earls of Pembroke, Jersey, and Sir Joseph Williamson, his Majesty's Embassadors Extraordinary for negotiating the Peace at Ryswick, as a fit Person to be their Secretary at the Conferences with the French; and also to the Earl of Portland, when he went in the same Character to the French Court. But of this by way of Digression.

Some Time before he was made a Member of the House of Peers, Mr. Montague, upon the Death of Sir Robert Howard, who had long enjoy'd the Auditorship of the Exchequer, by a Patent for Life, accepted of his Majesty's Offer to him, to supply that Vacancy, and was succeeded in his Commission of first Lord of the Treasury, by Sidney Lord Godolphin. But the Commons, to whom he had render'd himself unpopular, by his Endeavour in their House, to bring them into the King's Measures for keeping on Foot more standing Forces, after the Conclusion of the Peace, than the stated Establishment, and who look'd

upon him as an indifferent *English*-man, for the Interest he made amongst them for the Continuance of his Majesty's *Dutch Blue Guards*, which had ever been near his Person from his Infancy, at the first Session of Parliament, after this Creation, thought fit to examine into his past Conduct, and, if it was possible, to find a Flaw in it.

They had now before them the Papers relating to the Partition-Treaty, which, if it had been duly comply'd with, and executed, would have prevented all the vast Effusion of Blood and Treasure, that has been so plentifully pour'd out in the Prosecution of the late War with *France* and *Spain*. And because the Words of this Treaty may be of use to explain the Necessity of it, and make appear the Reasons those that enter'd into it, and negociated it, had for so doing, I shall give the Substance of it as follows.

I. It was agreed by the Parties concern'd therein, That the Peace of *Ryswick* should be confirm'd. II. That in Consideration of the ill State of the King of *Spain's* Health, and for preserving the publick Peace, in Case the said Prince should die without Issue, the Kingdoms of *Naples* and *Sicily*, with the Places then depending upon the *Spanish* Monarchy, situated on the Coasts of *Tuscany*, or the adjacent Islands, comprehended under the Name of *Santo Stephano*, *Porto Hercole*, *Orbitello*, *Tellamore*, *Porto-longo*, *Piombino*, the Marquisate of *Final*, the Province of *Guiposcoa*, particularly the Towns of *Fontarabia*, and *St. Sebastian*, and especially the *Port-Passage*, and likewise all Places on the *French* Side of the *Pyrennees*, or the other

other Mountains of *Navarre, Alava, or Biscay,* on the Side of the Province of *Guiposcoa,* with all the Ships and Gallies, and other Appurtenances belonging to the said Gallies, should be given to the Dauphin, in Consideration of his Right. III. That the Crown of *Spain* and the other Kingdoms and Places, both within and without *Europe,* should descend to the Electoral Prince of *Bavaria,* of whom his Father, the Elector, was to be Guardian and Administrator, till he came of Age. And IV. That the Dutchy of *Milan* should be reserv'd, and allotted to Arch-Duke *Charles,* the Emperor's second Son, now Emperor of *Germany.* This Treaty was to be communicated to the Emperor and the Elector of *Bavaria,* by the King of Great Britain and the States-General; and if they did not agree to it, then the Proportion of the Party not agreeing, should remain in Sequestration till Things could be brought to an Accommodation. And in Case the Electoral Prince of *Bavaria* should come to inherit his Share, and yet die before his Father, without Issue, the Elector was to succeed him in those Dominions, and his Heir after him: Likewise the Dutchy of *Milan,* upon the Arch-Duke's Refusal to accept it, was to be sequester'd to, and govern'd by the Prince *Vaudemont;* and after him, by his Son, Prince *Charles of Vaudemont,* and his Heir.

Now the chief Persons that were entrusted by his Majesty to transact this important Affair, were, *John Lord Summers,* Lord High Chancellor of *England,* *William Earl of Portland,* *Edward Earl of Orford,* *Edward Earl of Jersey,* *Charles Lord Halifax,* then Mr. *Montague,* and *James Ver-non,* Esq, one of the principal Secretaries; but the

the Commons thought fit to animalvert only on the three first, and the Lord *Halifax*, exclusive of the Earl of *Jersey*, and Mr. *Vernon*, tho' equally concern'd in the Project, and not content with addessing the King against it, order'd them all four to be impeach'd of High Crimes and Misdemeanours at the Bar of the House of Lords. Moreover, in pursuance of other Resolutions, they made Application to the King in another Address presented by the whole House, to remove them from his Presence and Councils for ever; to which, his Majesty, who could not but be very uneasy at this severe Dealing with his Council and this Minister, when he knew the Error, if any, was a Mistake of Judgment only, and that rather of his own, than of any employ'd by him, with a serene and undisturb'd Temper, thus artfully reply'd;

I am willing to take all Occasions of thanking you very heartily for the Assurances you have frequently given me, and now repeat, of standing by all, and supporting me against all our Enemies, both at Home and Abroad; towards which, nothing, in my Opinion, can contribute so much as a good Correspondence between me and my People. And therefore you may depend upon it, that I will employ none in my Service, but such as shall be thought most likely to improve that mutual Trust and Confidence between us, which is so necessary in this Conjunction, both for our own Security, and the Defence and Preservation of our Allies.

But the House of Lords, who were alarm'd at this Address from the Commons, apprehended it to be an ill Precedent for Persons to be censur'd before they were try'd, and therefore interpos'd with a counter Address, which was very acceptable to the King, in Favour of the four noble
Persons

Persons above-mention'd. What gave Being to these violent Proceedings in the Lower House of Parliament, was the Death of the King of *Spain*, whom the *French* had under-hand exasperated against the Treaty of Partition which they themselves had made and the Will which he left behind him in Favour of *Philip* Duke of *Anjou*, to whom he bequeath'd all his Dominions in *Spain* and the *Indies*. Which indeed was of dangerous Consequence, and the more to be dreaded, because the most Christian King had, by his Acceptance of the said Will, broke thro' the Terms of the Treaty. The Commons therefore, instead of addressing his *Britannick* Majesty to expostulate with the Monarch of *France*, for his Breach of publick Faith which, notwithstanding the Death of the Electoral Prince of *Bavaria*, before the King of *Spain*'s Demise, he was most undoubtedly guilty of, laid the Odium of the whole Procedure at the King's own Door, tho' somewhat obliquely, by accusing his most faithful Ministers, amongst whom, they, in a particular Manner, singled out the Lord *Halifax*, by drawing up Articles against him, and sending them up to the House of Peers by the Honourable *James Brydges*, Esq; now Earl of *Carnarvan*.

Herein it was observable, that tho' their Debates in the House against him, seem'd to turn on his being made privy to, and advising the King to sign the Partition-Treaty, they thought fit not to mention the Share he had in it, but very lightly, and to insist upon what had occasion'd a Vote in a former Parliament, wherein he was said to be deserving of his Majesty's Favour. The Articles were six, and ran thus, with his Lordship's Answers.

I. That

I. That whereas it was the continu'd Sense of the Commons of *England*, that it was highly reasonable that the forfeited Estates of Rebels and Traytors in *Ireland*, should be apply'd in Ease of his Majesty's faithful Subjects of the Kingdom of *England*, the said Lord *Halifax* presum'd to advise, pass, or direct the passing a Grant to *Thomas Railton*, Esq; in Trust for himself, several Debts, Interests, &c, amounting to 13000 l. or thereabouts, accruing to his Majesty from Attainders, Outlawries, or other Forfeitures in *Ireland*. To which he answer'd, *That he did accept the said Grant, as it was lawful for him to do, without Breach of his Duty, and the Trust repos'd in him: Which Grant had since been taken away by Act of Parliament, and he had not made clear thereof as then, above 400 l.*

II. That he had not repay'd into the Receipt of his Majesty's Exchequer in *Ireland*, the Sum of 1000 l. which he had actually receiv'd to his own Use, out of the Profits of the aforementioned Grant, which he ought to have so repay'd by Virtue of the *Act* for granting an Aid to his Majesty by Sale of the forfeited Estates in *Ireland*. To which he answer'd, *That he gave Direction after the said Act pass'd, to his Agent in Ireland, to do, in Relation to the Money receiv'd, as should be advis'd by Council there; by whom his Agents were advis'd, that the said Moneys being receiv'd out of the mean Profits, which were remitted by that Act, were not within the first mention'd Clause of the said Act.*

III. That in the Time of a tedious and expensive War, he did advise, procure, and assent, not only to the passing of diverse Grants to others, but did obtain and accept of several beneficial ones

ones for himself, which Practices were a most notorious Abuse of his Majesty's Goodness, &c. To which he answer'd, That he serv'd his Majesty faithfully in his Stations, and his Majesty graciously accepted of his Service; and, as a Mark of his Royal Favour, did make, for his Benefit, such Grants as were mention'd in the precedent and subsequent Articles, and none other. And as to other Persons, he, only in Conjunction with the other Commissioners, did sign several Warrants and Dockets for such Grants as his Majesty was pleas'd to direct.

IV. Whereas, by common Law, and other Statutes, the King's Forests should be preserv'd, the said Lord *Halifax* not regarding the Laws and Ordinances of this Realm, nor his Duty to his Majesty and the Publick, had procur'd a Grant to *Henry Seager*, Gent. in Trust for himself, of the Sum of 14000 l. of scrubbed Beech, Birch, Holly, and many Tuns of well-grown Timber, had been cut and fallen, and sold and dispos'd for his Benefit. To which he answer'd, That his Majesty, out of his Grace and Favour, did grant in Trust for him the Sum of 2000 l. per Ann. to be rais'd by the Fall of scrub Beech, Birch, &c. for the Space of seven Tears; which Grant was not prejudicial to any Timber growing in the said Forest. And, if any Abuse were in cutting the Wood, he conceives he is not answerable for the same, it being done by the Direction of his Majesty's Surveyor-General, and other his Majesty's Officers.

V. That he the said Lord *Halifax* did grant, or procure to be granted, to his Brother *Christopher Montague*, Esq; the Place and Office of Auditor of the Receipts, and Writer of the Tallies, in Trust to himself; so that he the said Lord was in Effect, one of the Commissioners of the

Treasury, Chantellor of the Exchequer, and Auditor of the Receipts, and Writer of the Tallies, and enjoy'd the Profits of the said several Offices, which were manifestly inconsistent, and ought to have been a *Check* to each other. — To which he answer'd, *That the Grant of the said Office was done at his Desire and Request, because he intended in a short Time after, to leave his own Employment and Places in the Treasury, and to obtain a Surrender from his said Brother of the said Office, and procure a Grant thereof to himself; which had been since done, and he conceiv'd was lawful for him to do.*

VI. That the said Lord *Halifax*, well knowing the most apparent evil Consequences, as well as the Injustice of the Partition of the *Spanish Monarchy*, did yet advise his Majesty to enter into a Treaty for it, and did encourage and promote the same. — To which he answer'd, *That he never did advise his Majesty to enter into, or make the said Treaty, or was ever consulted upon any Clause or Article thereof: But when the said Matter was discuss'd at Tunbridge-Wells, he made several Objections to the same.*

Such were the Articles, and such his Lordship's Replies: The Result of which, was, that after several Conferences between the upper and lower Houses of Parliament, the Peers having consider'd the Premises, and appointed Days of Tryal, for the Conviction or Discharge of their impeach'd Members, at which the Commons did not appear to make their Accusations good, dismiss'd the Impeachments; so that his Lordship continu'd establish'd in his Majesty's Favour till the Day of that Prince's Death, which fell out on the 8th of *March*, 1704, when her late Majesty

Majesty Queen **ANNE**, to whom the Malice of his Enemies had render'd him obnoxious, ascend-
ed the Throne, and to whom, notwithstanding
his suppos'd Aversion to the Measures some Per-
sons about her had taken, he paid the First Com-
pliments of Condolence and Congratulation,
that were made her, by taking Coach from
Kensington to *St. James's Palace*, as soon as the
Breath was out of the deceas'd King's Body.

This gave Occasion to the adverse Party to
reflect upon him as a Time-server and Syco-
phant, when no one had a greater Abhorrence
of such a servile and abject Behaviour, than him-
self; and one of their Writers, in a Poem of his
call'd *The Golden-Age*, on the Queen's Accession
to the Throne, bespatter'd him after this Man-
ner:

*Dissembling States-Men shall before thee stand,
And Halifax be first shall kiss thy Hand.*

Tho' her Majesty had much better Thoughts of
him, and continu'd him in her Privy-Council,
notwithstanding Advice to the contrary from a
Lady or two (that shall be nameless) about her,
for some Time, 'till being over-perswaded by Sir
Edward Seymour, the Comptroller, and other
great Officers of her Household, she caus'd him to
be struck out of the List, a While afterwards.

The Parliament was then sitting, at the De-
mise of King *William*; to the Vindication of
whose Memory, that beganto be set at nought
by such as made their Court to his Successor,
his Lordship not a little contributed, by ma-
king Complaint in the House of Peers, of a Re-
port industriously spread about by them, of some

Papers found in that Prince's strong Box, whereby it appear'd, that he had form'd a Design of advancing the Elector of *Hanover* to the Crown, to the Exclusion of Queen *ANNE*: That, to effect this the Troops of *Hanover* and *Cell* were to file off towards the Sea-Coast of *Holland*: That soon after the King's Return, a sham Insurrection was to be excited in *Scotland* or *Ireland*, to give the King a colourable Presence to send over for the *Hanoverian* Auxiliaries, with their Prince to command them: And that several Peers, privy to this Design, were to be made Lord-Lieutenants of Counties, in order to influence the Elections of Members for a new Parliament; who being thus pack'd up, would easily concur with any Thing the King should propose. This Complaint gave being to the following Resolution. ' The House being inform'd, that ' there hath been a Report spread Abroad, that ' amongst the late King's Papers, some Papers ' had been found tending to the Prejudice of ' her present Majesty, or her Succession to the ' Crown; and the Lord President, the Lord ' Steward, the Lord Chamberlain, the Earl of ' *Marlborough*, and the Earl of *Albemarle*, who ' were the Persons appointed by her Majesty ' to inspect the said Papers, having at the Desire of the House, severally declar'd, that ' amongst the late King's Papers, they did not see ' or find any Paper in the least tending to the ' Prejudice of her Majesty, or her Succession to the Crown, or to her Prejudice in any Respect ' whatsoever, or which might give any Ground ' or Colour for such Report. It is thereupon resolv'd by the Lord's Spiritual and Temporal ' in Parliament assembled, that the said Report

'is groundless, false, villainous, and scandalous; to the Dishonour of the late King's Memory, and highly tending to the Disservice of her present Majesty.

'It is order'd by the Lords Spiritual and Temporal in Parliament assembled, that the Matter of Fact aforesaid, and the Resolution of this House thereupon, be laid before her Majesty by his Grace the Duke of *Boulton*, the Earl Marshal, the Earl of *Radnor*, the Earl of *Stamford*, the Earl of *Scarborough*, and the Lord *Ferrers*; and that they do humbly desire her Majesty, from this House, that her Majesty will give Order to Mr. Attorney-General to prosecute with the utmost Severity of Law, the Authors or Publishers of the above-mention'd such-like scandalous Reports.

Hereupon her Majesty told them, *That she was very ready to do any Thing of that Kind, and would give Directions accordingly.* Which she did by the Prosecution of Dr. *Drake*, for some Insertions of that Nature by him written in a printed Book entitled, *The History of the last Parliament, begun at Westminster on the 10th of February, in the 12th Year of King William*, tho', for want of sufficient Evidence, that Author was afterwards acquitted on his Tryal at the Queen's-Bench Bar in *Guild-Hall*.

A new Parliament was now summon'd, which being met on the second of *October* 1702, the Commons still remembering their old Grudge against the Lord *Halifax*, who oppos'd several of their favourite Bills in the House of Peers, with all his Interst, upon a Report from the Commissioners of Accompts given in by *Henry St. John, Esq;* (now Lord Viscount *Bolingbroke*)
came

came to the following Resolutions. 1. That *Charles Lord Halifax*, Auditor of the Receipt of the Exchequer, had neglected his Duty, and was guilty of a Breach of Trust, in not transmitting the Imprest Rolls half-yearly to the King's Remembrancer, according to the Act made in the Session of Parliament in the eighth and ninth Years of his late Majesty's Reign, entitled, *An Act for the better Observation of the Course anciently us'd in the Receipt of the Exchequer*. 2. That the allowing Accomptants the Charges of Law-Suits, to determine the Right of their Offices, was a Misapplication of the publick Money. 3. That the Auditors of the Imprest had been guilty of a great Neglect of their Duty, in not certifying the King's Remembrancer, the Neglect of the several Annual Accomptants, that Process might go against them. And, 4. That it appear'd to the House, that there had been a general Mismanagement of the publick Money, by not obliging Accomptants to make up their Accompts, and by continuing Receivers in several Counties, contrary to Law, who had neglected to make up their Accompts in due Time, which had been a great Abuse of the Publick, and another Cause of the great Debt that lay upon the Nation: And on the Day following, having proceeded in the farther Consideration of the said Observations, resolv'd, 1. That the Money imprest out of the Exchequer, for the Service of the Publick, ought to be kept by the respective Officers in their own Custody, until the same should be paid to the Uses for which it was directed. 2. That *Charles Lord Halifax*, Auditor of the Receipt of the Exchequer, had been guilty of

a Breach of Trust, in not examining every three Months, the Teller's Vouchers for the Payments upon the Annuities, which he allow'd in his weekly Certificates, according to the fore-mention'd Act of Parliament. 3. That the Resolutions relating to the Lord Halifax, should be laid before her Majesty. And, 4. That an Address should be presented to her Majesty, that she would be pleas'd to give Directions to the Attorney-General, to prosecute that Lord for his said Offences. It is to be observ'd, they did not think fit to trust to more Impeachments, and therefore refer'd his Lordship to the ordinary Courts of Justice, in which the Cause never came to a Hearing: For the Lords, before whom Mr. King, Secretary to the Commissioners of Accompts, and Mr. Barker, Deputy Remembrancer to the Queen, had laid their respective Accompts and imprest Rolls, appointed a Committee, whereof the Duke of Somerset was Chair-man, before whom the Lord Halifax was heard, that made their Report after this manner, viz. The Committee appointed to consider of the Observations in the Book of Accompts, deliver'd in to this House the 15th of January last, have made some Progress in considering the said Observations, and humbly take Leave to acquaint the House, that they have examin'd into the first of those Observations, as also the first Observation deliver'd in to this House the second Instant, relating to the transmitting the ordinary imprest Rolls to the Queen's Remembrancer. They also examin'd divers Officers of the Exchequer, and others, upon Oath; and do find, that by the ancient and uninterrupted Course of the Exchequer, two imprest Rolls are to be made out

' out for each Year; the one comprehending all
 ' Sums imprest from the End of *Trinity Term*,
 ' to the End of *Hillary Term*; the other con-
 ' taining all such Sums from that Time, to the
 ' End of *Trinity Term*; which Rolls are call'd
 ' *Half-yearly Rolls*, tho' improperly. They,
 ' find, by the ancient Course of the Exche-
 ' quer, these imprest Rolls, being made out by
 ' the Auditor of the Receipt, are by him to be
 ' deliver'd to the Clerk of the *Pells*, whose Duty
 ' it is to examine, and sign them; and this be-
 ' ing done, the Clerk of the *Pells* delivers them
 ' to the Remembrancer.

' This Usage was, by degrees, discontinu'd in
 ' the Reign of King *Charles II*, and the Remem-
 ' brancer, or his Agent, us'd to come to the Office
 ' of the Auditor of the Receipt, and take away
 ' the imprest Rolls from thence immediately.
 ' But in the Time when the Earl of *Rocheſter* was
 ' Treasurer, the ancient Usage was restor'd, and
 ' he did order, that the imprest Rolls should be
 ' carefully examin'd and sign'd by the Clerk of
 ' the *Pells*, before they should be transmitted to
 ' the Remembrancer; and accordingly, since
 ' that Time, the ancient Custom has been ob-
 ' serv'd, as well before, as since the Act of Par-
 ' liament made in the eighth and ninth Years,
 ' of his late Majesty, for the better Observation of
 ' the Course us'd in the Receipt of the Exchequer,
 ' (that is to say) The said half-yearly Rolls,
 ' when made out, and sign'd by the Auditor,
 ' have been by him transmitted to the Clerk of
 ' the *Pells*; and when the Clerk of the *Pells* has
 ' examin'd and sign'd them, he, or his Deputy,
 ' has deliver'd them to the Remembrancer; and
 ' this appears by the Remembrancer's Indorse-
 ' ment

ment upon the Rolls. The Committee finds, that *Charles Lord Halifax* has been Auditor of the Receipt, from the End of *November 1699*; since which Time, six impress Rolls have been transmitted to the Remembrancer, and there is a seventh Roll now under the Examination of the Office of the *Pells*; and no other Roll can be prepar'd till after the twelfth of this Instant *February*.

Upon the whole Matter, the Committee are humbly of Opinion, that *Charles Lord Halifax*, Auditor of the Receipt of Exchequer, hath perform'd the Duty of his Office, in transmitting the ordinary impress Rolls to the Queen's Remembrancer, according to the ancient Custom of the Exchequer, and the Direction of the Act *VIII and IX Gulielmi III Regis*, intituled, *An Act for the better Observation of the Course anciently us'd in the Receipt of the Exchequer*; and that he hath not been guilty of any Neglect or Breach of Trust upon that Account.

Which Report being read, as also the Examinations taken upon Oath by the Committee, and the Dates and Indorsements of the several impress Rolls deliver'd by *Mr. Barker*, Deputy to the Queen's Remembrancer, it was propos'd to agree with the Opinion of the Committee; which being resolv'd in the Affirmative, it was declar'd by the Lords Spiritual and Temporal in Parliament assembled, That *Charles Lord Halifax*, Auditor of the Receipt of the Exchequer, hath perform'd the Duty of his Office, in transmitting the ordinary impress Rolls to the Queen's Remembrancer, according to the ancient Custom of the Exchequer, and the Direction of the Act *VIII and IX Gulielmi III Regis*, intituled, *An Act for the better Observa-*

tion of the Course anciently us'd in the Receipt of the Exchequer; and that he hath not been guilty of any Neglect, or Breach of Trust upon that Account.

This solemn and honourable Acquittal of his Lordship, relish'd but ill with the Commons, who order'd their Committee to search the Journals of the House of Lords, and report their Lordships Proceedings in Relation to the Observations of the Commissioners of Accounts; which being done, they order'd them to draw up what was proper to be offer'd to the Lords at a Conference, in the following Form. The Commons find in your Lordships Journals, a Resolution declaring, That Charles Lord Halifax, Auditor of the Exchequer hath perform'd the Duty of his Office, &c. which looks to them, as if your Lordships pretended to give Judgment of Acquittal, without any Accusation brought before your Lordships, and consequently, without any Tryal. And that which makes your Lordships Proceedings yet more irregular, it tends to pre-judging a Cause which might regularly have come before you, either originally by Impeachment, or by Writ of Error from the Courts below. And therefore the Commons can see no Use of this Resolution, unless it be either to intimidate the Judges, or pre-possess the Jury.

But if your Lordships could have judg'd in this Matter, it does not appear by your Lordships Journals, that you have had under Examination, the respective Times of transmitting the several impress Rolls to the Queen's Remembrancer, without which, it is impossible to know whether the Auditor of the Re-

Receipt has done his Duty according to the late Act of Parliament.

The Lords, not a little provok'd at the Reasons of the Commons, came to the following Resolutions, 1. That the Lords have an undoubted Right (which they can never suffer to be contested) to take Cognizance originally of all publick Accompts, and to enquire into any Misapplication or Default in the Distribution of publick Moneys, or into any other Mismanagement whatsoever. 2. That the Lords, in their Enquiry into the Examination of the Observations of the Commissioners of Accompts, in Relation to Charles Lord Halifax, and in their Resolutions thereupon, had proceeded according to the Rules of Justice, and the Evidence that was before them. And, 3dly. That the Commons, in their Reasons, had us'd several Expressions and Arguments highly reflecting and altogether Unparliamentary, tending to destroy all good Correspondence between the two Houses, and to the Subversion of the Constitution.

Hereupon the Commons resolv'd, 1. That no Cognizance the Lords could take of the publick Accompts, could enable them to supply any Deficiency, or to apply any Surplusage of the publick Money. 2. That the Lords could neither acquit or condemn any Person whatsoever, upon any Enquiry arising originally in their own House. 3. That the Attempts the Lords had made to acquit Charles Lord Halifax, Auditor of the Receipt of the Exchequer, was unparliamentary, and not warranted by any Precedent; and the Resolution thereupon, was plainly contrary to what appear'd on the Records themselves. 4. That the Conference desired with the Lords, was in order to preserve a good Correspondence between both Houses,

by offering Reasons to prevent the Lords from proceeding in a Case which they had no Precedent to warrant. And the Commons expressing the Consequences they apprehended might follow from that Resolution, was neither reflecting nor unparliamentary, or tending to destroy the good Correspondence between the two Houses; and much less to the Subversion of the Constitution. And, 5thly. That the Lords delivering at a Conference their *Resolutions*, instead of Reasons, in Answer to the Reasons of the Commons, was not agreeable to the ancient Rules and Methods of Parliament observ'd in Conferences between the two Houses.

What remain'd for the Commons, who were embitter'd against his Lordship, after this, to do, was to desire another free Conference with the Peers, upon the subject Matter of their last; who readily agreed to it, and appointed the Lord *Halifax* himself to be one of the Managers, in Conjunction with the Duke of *Devon*, the Earl of *Carlisle*, and the Lords *Herbert* and *Ferrers*. The Managers for the Commons, at the Head of whom was the eloquent Mr. *Finch*, (now Earl of *Ailresford*) open'd the Particulars, which they had Directions to insist on; adding, That when they acquainted their Lordships, that the expressing the Consequences which they apprehended might follow from their Lordships Resolution, it was not a Charge upon their Lordships, that they intended that Consequence; but they would have been very glad their Lordships would have been pleas'd to let them know what Use was to be made of it, or what they intended by it; And concluded, that if their Lordships

' Lordships did controvert any of those Points,
' they were ready to maintain them.

But the Lords made no Answer to any of those Particulars, saving to the Matter of the Resolution relating to the Lord *Halifax*; upon which they acknowledg'd, ' That they were no Court ' of Enquiry, to form any Accusation; that ' their Proceeding in relation to that Lord, was ' no Tryal; nor was their Resolution any Judgment or Acquittal, but that he might still be ' prosecuted as before: But that which gave ' Occasion to that Proceeding, was, the Resolution of the House of Commons, which they found ' in the printed Votes, reflecting upon a Member ' of their House; and thereupon they thought ' fit to give their Opinion; which they did ' in the Legislative Authority.

To this, the Managers for the Commons reply'd, ' That their Lordships having, in their ' Resolutions, declar'd, That they had proceeded ' according to Rules of Justice; and the Evidence ' that was before them, the Commons could ' put no other Interpretation upon it, than that ' it was intended as a Judgment; and no Judgment could be made, where there was no Accusation; and if it was not a Judgment, they could ' not imagine what it did tend to. As to their ' Lordships delivering their Opinion, That it ' was against the Rules of any Court, that any ' Judge whatsoever should deliver a Opinion in a ' Cause that might come before him; and that ' that Matter might hereafter come judicially before their Lordships. They said, That there was ' a great Defference between the Resolution of ' the Commons, and the Vote of the Lords: That ' the Resolution of the House of Commons, was ' but

but in order to a Prosecution, which they could
 never vote, without declaring the Crime;
 and they could never come to be Judges of it:
 That the House of Commons was the grand
 Inquest of the Nation; and every grand Jury
 that found *Billa vera* upon an Indictment,
 did by that declare the Man guilty. But
 that the Lords had a judicial Capacity, and
 their Resolution before that Accusation brought,
 was pre-judging the Cause that might come
 regularly before them. As to the Observa-
 tion the Commons made, that the Lords had
 not examin'd the respective Times of trans-
 mitting the impress Rolls to the Queen's Re-
 membrancer the Commons Managers said,
 That as their Lordships Resolutions was no
 Judgment, so that Conference was no Tryal.
 But to shew the Mistake of their Lordships
 Resolution, they observ'd the Date upon the
 several impress Rolls that had been trans-
 mitted to the Remembrancer; and that they
 apprehended there were still two wanting.
 That the three last that were transmitted, came
 not to the Remembrancer till *January* last,
 the two first on the twenty third, the last on
 the twenty seventh; and that the first of those
 impress Rolls was Money impress to the twenty
 first of *February* 1700, and said to be in the
 first Year of Queen *ANNE*; which shew'd,
 that that Roll was so far from being examin'd,
 or transmitted in Time, that it was not made
 up till since her Majesty came to the Crown;
 That as the Custom formerly had been to set
 down the Time of the Examination of those
 Rolls, since Mr. *Charles Montague* came to be
 Auditor, he set down the Month, but not the
 Day.

Day. And since the Lord *Halifax* was Auditor, he had set down neither Month nor Day: And that by his Example, on the three last impress Rolls, the Clerk of the Pells had put down no Time at all.

The Lord *Halifax*, in his own Defence, made Answer, That the Lords Resolution was well founded, since they had the Rolls themselves before them, and Proof upon Oath: That by the Words of the Act, the Auditor was to transmit the impress Rolls to the Remembrancer *Half Yearly*, according to the usual Course of the Exchequer, within eight Months and four Months: That it was not his Duty to transmit them immediately to the Remembrancer, because he was to send them to the Clerk of the Pells, who was to examine and sign them. That it could not be imagin'd the Auditor should be ty'd to a certain Time to transmit the Roll to the Remembrancer, because they were first to pass through another Hand: And he never took it, that there was any Occasion to put down the Time he examin'd them, for that would appear from the Time of the Delivery, and Date of the Roll. That there was one examin'd by the Clerk of the Rolls, the fourth of *July*, and not deliver'd till the twenty third of *January*, which he did not take to be the Auditor's Fault, but to be the Duty of the Clerk of the Pells to deliver them. That every Body knew the great Trouble that had been given in his, as well as other Offices, by the Commissioners of Accounts; and that no Loss had happen'd by not transmitting those Rolls, no Process having been issu'd forth for many Years upon them.

Here-

Hereupon the Managers for the House of Commons said, ' That tho' *Half-Yearly* should be taken for eight Months, and four Months, yet by that they ought to be transmitted twice in the Year, and so he had fail'd in his Duty in that Respect. That to construe the ancient Course of the Exchequer in the Act of Parliament, to be meant, that the Clerk of the Pells should transmit the Rolls, was a direct Contradiction to the Act, which said the Auditor should do it. That the ancient Course of the Exchequer having not been observ'd, was the Occasion of making that Law; and that they thought Laws were to be observ'd. That indeed no Process could issue till the Rolls were transmitted, and possibly that might be the Ground whereby the Accompts had been so long unpass'd, to the Prejudice of the Publick. And that his Lordship's Apprehension that there was no Loss to the Publick, by not transmitting the Rolls, might probably be the Reason of his Lordship's neglecting his Duty." And here the free Conference broke up.

Yet, notwithstanding the Lords, in the foregoing Conferences, did not disallow of the Prosecution of the Lord *Halifax*, such an Influence had their Argument on the People without Doors, that the Generality of the People were against it; whereupon the Attorney-General receiv'd Orders from the Queen and Council, to drop the Pursuit of it.

In the same Year, the famous Bill to prevent Occasional-Conformity, after passing the House of Commons, was brought into that of the Peers, which it likewise went through, with several Amendments made to it by the Lord *Halifax*,

who

who being justly apprehensive that the Commons would not concur with the Lords therein; but, as they had done on other Occasions, tack their Bill to some Money Bill, obtain'd a Vote, *That the annexing any Clause to a Money Bill, was contrary to the Constitution of the English Government, and the Usage of Parliament.*

And after this, at a Conference with a select Number of the Commons, wherein he was a Manager on the part of the Lords, spoke in Favour of those Amendments; and in Answer to Mr. Bromley's Objections, said, ' That by the ' Lords agreeing so far as they had done to that ' Bill, they had gone a great way for preven- ' ting the Evil the Bill was intended to reme- ' dy, and own'd it to be a Scandal to Religion, ' that Persons should conform only for a Place. ' That they did not think, going to a Meeting to ' be *Malum in se*, for that the Dissenters were ' Protestants, and differ'd from the Church of ' England only in some little Forms; and therefore ' the Lords thought Loss of Office a sufficient Pu- ' nishment, without an Incapacity. That it could ' never be thought those of the better Sort would ' be guilty of that Offence; if they were, they ' should lose their Offices. That in inferior Of- ' ficers of the Customs and Excise, who had lit- ' tle else to subsist on, Loss of Office was severe ' enough, since thereby they would be undone; ' and that it was more considerable in Patent- ' Places, which, by a common Custom, were ' bought and sold, and were of the Nature of ' Free-holds. That Incapacity was too great a ' Penalty, and that it was hard to imagine any ' Offence, that was not capital, could deserve ' it. That there was no more Reason to punish

' that Offence with Incapacity, than to make it
 ' Felony. That the Dissenters were not ob-
 ' noxious to the Government as when the Corpo-
 ' ration Act was made, the most considerable a-
 ' mongst them, being well affected to the Con-
 ' stitution then in Being, and hearty Enemies to
 ' the Queen's and Kingdom's Enemies. That
 ' the Toleration had had such visible and good
 ' Effects, had contributed so much to the Securi-
 ' ty and Reputation of the Church of *England*,
 ' and produc'd so good a Temper amongst the
 ' Dissenters, that the Lords were unwilling to
 ' give the least Discredit to that Act; being sen-
 ' sible that Liberty of Conscience and gentle
 ' Measures were most proper, and had been found
 ' most effectual toward increasing the Church,
 ' and diminishing the Number of the Dissenters.
 ' That the Lords apprehended some Parts of the
 ' Bill by them amended, to have an Air of Seve-
 ' rity, improper for the Season, when they
 ' were burthen'd with a heavy and expensive
 ' War. And that, tho' there might be some
 ' Things to be found Fault with, yet a proper
 ' Time ought to be taken to apply Remedies,
 ' the attempting too hasty Cures having often
 ' prov'd fatal: That their Lordships could not
 ' conceive, as was alledg'd by the Commons,
 ' the Interest of the Church and State were not
 ' to be supported without that Bill; since, in
 ' Case of such Danger and Necessity, that Re-
 ' medy must have been propos'd to them, by
 ' some of those worthy Members of the Church
 ' of *England*, who, in so many Parliaments since
 ' the Toleration, had shewn so much Zeal for the
 ' National Church and Government. That the
 ' Lords thought they had sufficiently shewn
 ' their

their Dislike to the Practice of *Occasional Con-*
formity, on which they inflicted no less a Pun-
 ishment than Loss of Place ; and had consented
 likewise to a reasonable Fine to be laid on those
 who should be prov'd guilty of that Crime.
 That they could not but conceive, that if this
 Bill did enact nothing *New*, there would not be
 such a Contest about it ; and that it was plain,
 tho' *Occasional Conformity*, ought always to have
 been esteem'd a Crime, yet that the Practice
 was *New*, and the Punishment, provided by
 that Law *New* likewise. That the Lords did
 consent to a Punishment, but would proportion
 the Penalty to the Offence. That the Com-
 mons gave that Argument, when they pro-
 pos'd for new invented Crimes new invented
 Punishments. That the Lords could not think
 the *Dissenters*, who at least differr'd in no es-
 sential Point, were properly to be call'd *Schis-*
maticks. That such an Opinion, if once al-
 low'd, would bring a heavy Charge upon the
 Church of *England*, who, by a Law, had tole-
 rated such a *Schism*. That Connivance had
 been us'd to *Schismaticks*. That publick Allow-
 ance was never given to such ; and the Church-
 men having allow'd Communion with the Re-
 form'd Churches abroad, professing *Calvinism*,
 it must follow, they held them not guilty of
Schism, or could not allow Communion with
 them. That the Bill inflicted a second Punish-
 ment on those who fled from *France* for their
 Religion : That they sought a very improper
 Refuge amongst those that must think them
 guilty of *Schism*, and use them accordingly :
 That it might be us'd as an Argument even
 to justify the Persecution in *France*, since the

' *Roman Catholicks* might with Reason banish
 ' those, whom *seven* Protestants could hardly
 ' endure amongst them, and for whose Doctrine
 ' and Practice they shew'd such an Aversion,
 ' that a Man must forfeit his Place, and under-
 ' go a hard Penalty, but for entring once into
 ' their Congregations. That the Lords were of
 ' Opinion, the *Dissenters* should have Liberty of
 ' Conscience, and agreed to the further Measures
 ' propos'd by the Commons, to allow neither
 ' *Dissenters* nor *Occasional Conformists* any Share in
 ' the Government; but they took it to be a great
 ' Security for the establish'd Religion; that all
 ' who sat in the House of Commons were to be
 ' *Church-men*; and the Difference between a
 ' *Church-man* chosen by *Church-men*, and chosen
 ' by *Dissenters*, was only this; that the former
 ' would be for using *severer*, the other *gentler*
 ' Means for bringing the *Dissenters* into the Church.
 ' That their Lordships conceiv'd the *Act of To-*
 ' *leration* had visibly prov'd to the Advantage of
 ' the Church; that even the Practice of *Occasional*
 ' *Conformity* in a few, as it had done great Pre-
 ' judice to the *Dissenters*, so had it added to the
 ' Reputation and Authority of the Church; the
 ' *Dissenters* having determin'd the Point against
 ' themselves by that Practice; for if they could
 ' not conform for a Place, much more ought
 ' they to do so, in Compliance with the Law,
 ' and for the sake of Unity. That the Lords
 ' were of Opinion, the *Dissenters* were coming
 ' into the Church, and that nothing but tem-
 ' pying Measures and Severities, could prevent
 ' that happy Union.

To which the said Lord HALIFAX added:

GENTLEMEN,

THE main Design of this Bill, is to secure the Church of England; and in this the Lords do perfectly agree with you; both Sides of the House join in it with equal Zeal; and the main Point being the excluding of all Persons from Employments of Trust, who join themselves to any other Bodies for religious Worship, besides the Church of England, the Lords do agree intirely with you likewise in this. All the Difference is what further Penalties shall be laid, besides the Forfeiture of the Employment, on Persons so offending. The Lords look on the fixing of Qualifications for Places of Trust, to be a Thing so intirely lodg'd with the Legislature, that without giving any Reason for it, upon any Apprehension of Danger, how remote so ever, every Government may put such Rules, Restraints, or Conditions, on all who serve in any Place of Trust, as they shall see Cause for; but Penalties and Punishments are of another Nature.

Draco's Laws, by Reason of their extream Severity, are said to have been writ in Blood: If Petty-Larceny were made capital here, it would be just Occasion for Censure. There ought to be a Proportion objected between the Offence and the Punishment; and Offences of a lower Nature, ought not to be punish'd more severely than Offences of a higher.

Popery has been ever look'd on as that which we ought to apprehend and fear the most; and guard chiefly against it, being our most inveterate, most restless,

restless, and most formidable Enemy; and therefore there has been always a great Difference put between Papist and Protestant Dissenters, how bad and how dangerous soever they may be.

The Church has no Reason to complain of the Effects of the Toleration; for as the Numbers of those who divide from us, do visibly abate all over the Nation; so the Heat and Fermentation which was rais'd by those Divisions, is almost intirely laid; and we cannot but look on that as a happy Step towards the healing of our Wounds.

But what may not we look for, under the Reign of such a QUEEN, whose Example, whose Virtues, and Zeal, give us Reason to hope for a happy State of Matters in the Church, if undue Severities do not again raise new Flames, and set a new Edge on Mens Spirits, which may blast these Hopes, and defeat the Success that we might otherwise expect under such an auspicious Reign.

Before the Act of Toleration pass'd, while Conventicles were illegal and criminal Assemblies, yet even then, a Man in Office, that was present at them, was only liable to ten Pounds; whereas by this Bill, he is liable to a Fine of an hundred Pounds for being present at them, tho' they have now an Impunity by Law: It does not seem so very suitable, that the same Action should be ten times more penal after such an Impunity is granted, than it was before the passing that Law, while such Assemblies were illegal.

A known Maxim, Gentlemen, with relation to all Laws that are highly penal, is, that the Words, expressing the Crime, ought to be clear, and of a determinate Sense; not liable to Constructions and Stretches, since the Greatness of the Penalty may prove an Inducement to make those Stretches, and

to carry them far beyond what is intended. The Crime, tho' never so Penal by this Bill, is to be in a Meeting with five more than the Family, under the Pretence of religious Worship, other than according to the Liturgy and Practice of the Church of England. Now we know indeed what the Liturgy is; but it is not so easy to tell what the Importance of the Word Practice may be, or how far that may be carry'd; whether it is the Practice of Cathedral or Parochial Churches? And whether Practice shall govern the Liturgy, as in the not saying the second Service at the Altar, or Christning after the second Lesson? And whether all Family-Prayer, if not by the Form of the Liturgy, is not condemn'd? Tho' many Books for Family-Prayers have been much recommended, and commonly made Use of.

But as the Penalty seems excessive, and the Words are of uncertain Signification, so we cannot approve of the Application of the Sums to be rais'd by this Bill, that they should all go to the Informer. The ancient Method was to give them to the Crown; it was one of those Trusts that were lodg'd with the Sovereign; and so the Laws were to be executed more severely or remissly, as the publick Occasion requir'd.

Those who read the Roman Histories, see what a Sort of People the Delatores were, the encouraging them, especially Servants against their Masters, was reckon'd amongst the greatest Reproaches of the worst Emperors: But tho' Domitian made much Use of such Vermin, it is set out as the greatest Glory of Trajan's Reign, that he free'd Rome from that Plague, and banish'd all those infamous Betrayers of their Master. Nor is it to be otherwise than hop'd, under such a Government as her Majesty's, who

who as much excels Trajan, as Trajan did Domitian, that there shall be no such Blemish on it; and that no Encouragement shall be given to false Accusations and Perjury, which, it is to be apprehended, will follow, if so great a Reward is offer'd as the Bill proposes. We think the Reward, that is offer'd, sufficient to encourage honest and well-minded Men, to discover what they may know; and cannot imagine it just or lawful, to lay before them Temptations that may be too strong for them.

The Practice of Occasional Conformity is not new; it is almost of the same Date with the Act of Uniformity; and it has, according to my reading, been a known Dispute among the Dissenters, and vindicated in Print by some of them, witness Mr. How lately; and practis'd by many of them, who had no Thoughts of Offices, and has been a Means of bringing several Persons intirely from Meetings. However, we are very willing to make it impossible for such Men to keep in Offices, because Hypocrites would make use of such a Liberty: But we are not willing to ruin Persons utterly on Account of a Practice, that many well-meaning Men have been, and may be led into, and which we think tends naturally to bring them over entirely to the Church.

We agree to that Part of the Penalty, which answers the visible Design of the Bill, by making the going to a Conventicle, to be Forfeiture of Office. To go further, to ruin Men's Estates, to make them infamous, (for what can be more infamous than a total Incapacity) is what we have it in Command to disagree to, as exceeding all Bounds.

The Managers for the Commons, by way of Reply to the Arguments made use of by his Lordship, in the Name of the Peers, said, ' That several of them were against the Bill, when

when their Lordships had actually agreed to
 the greatest Part of it, and therefore should
 confine themselves, and speak only to this
 one Amendment. That no Time could be more
 seasonable for the Bill, than the present, be-
 cause the Church was now in no Danger from
 Popery or Fanaticism; and urg'd, that good
 Laws were to be made for Posterity, and
 might be obtain'd most easily in the best
 Reigns. That the Commons Penalty bore a
 just Proportion to the Offence; and that all
 above one hundred Pounds, was for an ob-
 stinate persisting in the Crime. That the
 Offender could not be guilty through Inad-
 vertency; he would offend *knowingly* and *wil-*
lingly. That the *Test Act* gave five hundred
 Pounds (a much greater Penalty than in the
 Bill before them) to the Informer, besides
 bringing the Offender under very great Dif-
 ficulties. That an innocent Man was no more
 secure under the *Test Act*, than under that
 Bill. The Question would be always upon
 his acting, or not acting, which did not de-
 pend upon the Record. That the Tryal would
 be by a Jury, not in a summary Way before
 a Justice of the Peace, as in some of the Penal
 Laws. That it was plain, good Protestants
 might be affected with the *Test Act*. That
 some of the Lords Arguments had been so
 irregular, as to defend *Occasional Conformity*;
 and that the Commons Managers were sur-
 priz'd to find a Prelate to turn Advocate in
 Print for it. Thereupon they left the Bill
 with the Lords, and said, *They hop'd their Lord-*
ships would not let the Publick lose the Benefit of
so good a Law. But those that spoke last, were
 O mistaken,

mistaken, for the House of Peers would not recede from their Amendments, and so the Bill was lost. Towards the Non-passage of which in to an Act, none contributed more, by his Interest with the PEERS, and Strength of Argument, than the Lord HALIFAX.

However, the Parliament had not sat long in the ensuing Year 1703, but the same Bill was again put on Foot in the House of Commons, by those who were zealous Sticklers for its passing into a Law; nor did it long want the Concurrence of a considerable Majority among them, by the Means of Mr. Bromley, Sir Edward Seymour, and others, who were for carrying Matters with a high Hand, in order to the better Support of that Power which they still continu'd to hold at Court, and which they were sensible would otherwise decline. Tho' the chief Minister, the Lord Treasurer Godolphin, the Duke of Marlborough, and others, by their Encouragement and Approbation, caus'd an able and judicious Writer, Dr. Charles Davenant, to set forth a Book at that Time, wherein he enforc'd what her Majesty had some Time before recommended from the Throne, and endeavour'd to bring all Sorts of Men to sing aside their Heats and Animosities, and to unite in their own Defence against the common Danger; which Book the Lord Halifax had the Perusal of Sheet by Sheet, and contain'd many excellent Remarks of that Noble Peer.

Yet, notwithstanding the above-mention'd Bill had a very quick Passage through the House of Commons, it was strenuously oppos'd in the House of Peers, where his Lordship again, at a second Reading, declar'd, That instead of making

king Amendments to it, as in the last Session of Parliament, it ought to be thrown out of the House. And to shew the Unseasonableness of any Thing that might seem to lead to Persecution, he took Notice of the distracted State of Scotland, and of the Insolence of the Papists in Ireland; adding, That they ought rather to imitate the Parliament of the latter Kingdom, in their Zeal against Popery, than to frame Laws to increase Divisions amongst her Majesty's Protestant Subjects; and not sticking to say, That if they pass'd the Bill, they might as well tack the pretended Prince of Wales to it. Whereupon the Bill was rejected, to the great Satisfaction of such Persons as conceiv'd it to be productive of very pernicious Effects.

As this Procedure of the Lords could not but nettle the Commons, so the latter, soon after their second Disappointment, took Occasion to shew their Resentment after the following manner. The Queen had acquainted both Houses of Parliament of some very ill Practices and Designs carry'd out in Scotland, by Emissaries from France; upon which, the Lord Halifax mov'd the House of Peers, that a select Committee might be chosen, to examine into the Nature of that Conspiracy; which was accordingly appointed, and went so far on that Affair, as to take several Persons out of the Hands of the Queen's Messengers, as Sir John Maclean, Major Bouchier, &c. and to commit them to Newgate. Hereupon the Commons conceiving the Choice of the said Committee to examin the Persons suspected, to be an Inroad upon the Royal Prerogative, at least a Reflection on some of her Majesty's Ministers, in particular the Earl of Nottingham, address'd her Majesty, 'To suffer

no Diminution of her Royal Authority, by permitting the Lords, in Violation to the known Laws of the Land, to wrest Prisoners taken in to Custody by her Messengers, in order to be examin'd, out of her Majesty's Hands, &c. And afterwards resolv'd, That the Earl of Nottingham, one of her Majestys principal Secretaries of State, for his great Ability, and Diligence in the Execution of his Office, for his unquestionable Fidelity to the QUEEN and her Government, and for his steady adhering to the Church of England as by Law establish'd, had highly merited the Trust repos'd in him.

In Answer to this, the Lord Halifax, who made the Motion for electing the Committee so chosen, to vindicate the Honour of the PEERS, and assert their Privileges, apply'd himself to his illustrious Associates after this manner.

My LORDS,
THE Expressions in the Address of the House of Commons, now before us, are so very harsh and indecent, that I may truly affirm the like were never us'd of the House of Peers in any Age; not even by that tumultuous Assembly, which, under the Name of the House of Commons, took upon them not only to abolish the House of LORDS, but to destroy the MONARCHY.

Nor is the Matter of it less injurious than the Terms. There is not the least Occasion for a just Objection to any Part of our Conduct in that Business to which the Address relates, the Proceeding having been strictly justifiable by the known Laws and Customs of

of Parliament, carry'd on with the utmost Respect to her Majesty, and with true Zeal for the Safety of her Person and Government, and agreed to by the concurrent Opinion of the House, without the least Objection from any of our Members, who have the Honour of serving her Majesty in Great Offices and Employments.

It behoves us therefore, with Submission to your Lordship's Judgement, to represent to her Majesty, that by the known Laws and Customs of Parliament, that the House of Peers has an undoubted Right, in Cases where they conceive it to be for the Good and Safety of her Majesty and the Kingdom, to take Examinations of Persons charg'd with Criminal Matters, whether such Persons be then in Custody or not; and also to order the Persons so to be examin'd, to be taken into Custody of her sworn Officers attending this House, during such Examinations, or to commit them to any other safe Custody, that they shall think proper; and to restrain others, if we see Cause, from having Access to, or Communication with them. This House has exercis'd this Right from Time to Time, as Occasions have requir'd, without Objection.

Our Records are fitted with Precedents which warrant our Claim in every Part of it; and the drawing this Right into Question at any Time, cannot but be of dangerous Consequence to the Liberties and Safety of the People, and to the Constitution of the Government, as tending to avoid, or render in great Measure ineffectual the Enquiries of Parliaments, which are so absolutely necessary, especially where many

many, and great Persons, are engag'd in dangerous Designs against the Government; or, where ill Ministers abuse their Favour towards the oppressing or enslaving of the People.

Her Majesty's Wisdom and Goodness make us secure at present, against all Influences of that Kind; but if it shall happen in future Times, that ill Men should gain too great a degree of Favour with our Princes, how easy will it be for them to stifle or defeat all Parliamentary Enquiries into their Crimes? For if the being in Prison, or in the Hands of a Messenger, will protect Men from being examin'd in the House of Lords, or from being put into Custody of the proper Officers of the House, during the Examination, and debar'd from conversing with others, it will certainly be always in the Power of Favourites to cause those who can be Witnesses against them, as well as the Accomplices of their Designs, to be taken into Custody. And if Persons in Custody, are out of the Reach of the House of Lords, who are the hereditary Counsellors of the Crown, and in whom a judicial Power is lodg'd by the Constitution, it is not to be imagin'd, that the Commons can pretend to a greater Power of examining, committing, or restraining them.

No House of Commons, till now, has given Countenance to this dangerous Opinion, which does so directly tend to the rendering ill Ministers safe from the Examination of Parliaments. And I am perswaded, no House of Commons hereafter, will assume such a Notion, because they are not wont easily to part with a Power they have once assum'd; and it is most certain,

' certain, that they have several Times taken
' upon them to exercise an Authority like that
' which they have so severely reflected upon in
' their Address.

' This Consideration may give us the greater
' Astonishment, to find our Proceedings repre-
' sented in these strange Terms of *wresting Prisoners*
' *out of her Majesty's Hands, and taking the*
' *Examination of them solely to our selves.* We
' ought therefore to acquaint her Majesty, that
' we believe the ordering Persons to be examin'd
' in that high Court, where her Majesty is al-
' ways present, in Consideration of Law, and in
' that Great Council where she may be present in
' her Royal Person, will never be thought an
' Exclusion of her Majesty from the Examinati-
' ons, if that was intended to be insinuated, by
' saying, *We had taken the Examination solely to*
' *our selves.*

' Nor will it be improper thus to lay be-
' fore her Majesty, what it is we claim, and
' must insist on, as the indisputable Right of the
' House of Peers, which was never thought in
' the Time of her Royal Ancestors, to be pre-
' judicial to the just Prerogatives of the Crown,
' and which is manifestly necessary for the se-
' curing the Liberties of her People, whereof we
' are assur'd her Majesty will have an equal
' Care.

' I might add to what I have already trou-
' bled your Lordships with, that the carrying
' this unprecedented Address to her Majesty, in
' so hasty a Manner, ought to give us almost as
' great Trouble, as the hard Usage we find in it.
' The ancient, known, and indeed, only effectual
' Method of preserving a good Correspondence
' between

' between the two Houses of Parliament, has
 ' been by Conferences. If at any Time, either
 ' House conceiv'd they had a reasonable Ground
 ' to object against the Proceedings of the other,
 ' Conferences have been, desir'd and the Matter
 ' in Debate between them fairly, discuss'd, and
 ' hereby Mistakes have been clear'd, for the most
 ' part, and a good Understanding cultivated,
 ' and a mutual Respect preserv'd, which is al-
 ' ways highly requisite in the Nature of our
 ' Constitution, but more especially necessary in
 ' this Time of War and Danger.

' Had the House of Commons thought fit to
 ' have pursu'd this Method, upon this Occasion,
 ' we should have been able to have given them
 ' entire Satisfaction, not only of the Lawfulness
 ' of all we had done, but of the just and weighty
 ' Grounds upon which we took the Examinati-
 ' on of these Persons into our own Hands; or, at
 ' least, if they could have convinc'd us of any
 ' Mistake, we should have given them any rea-
 ' sonable Satisfaction.

' But without making any such previous Step,
 ' the House of Commons have made an Appeal
 ' directly to the Throne, against the House of
 ' Lords, and charg'd them, tho' most unjustly,
 ' with Attempts of the highest Nature. Nothing
 ' like this, was ever done before; and out of our
 ' hearty Concern for the Preservation of our hap-
 ' py Constitution, we are to hope the same Thing
 ' will never be done again.

' 'Tis known that her Majesty's Royal Heart is
 ' immovably fix'd on preserving the Liberties of
 ' her People, and transmitting them entire to Po-
 ' sterity; but if in after Times, the Houses of
 ' Parliament should be appealing against one
 ' another

another to the Crown, (for if such a Course be
 justifiable in the House of Commons, the same
 Method may be taken by the Lords) as her
 Majesty is now sensible how great Difficulties
 it necessarily brings upon a good Prince, so it
 is easy to foresee how fatal the Consequences
 may be in the Reign of an ill-designing Prince,
 and what Advantages may be taken from it, for
 utterly subverting the best order'd Form of
 Government in the World.

There are Examples Abroad, where Proceed-
 ings of this Kind have ended in the Over-
 throw of the Liberties of the People, which
 should make us the more to apprehend the be-
 gining of them among ourselves, and represent
 to her Majesty, that her great Judgment can-
 not but readily discern whither it does na-
 turally tend, for one House of Parliament to
 be exciting and earnestly desiring the Sove-
 reign to exert a real or suppos'd Prerogative
 against the other House. It is not easy to imagine
 what the Commons could expect of her Majesty,
 from such an Application. The Lords have ne-
 ver entertain'd a Thought of using this dange-
 rous Method, whatever Occasions may have
 been given within the Compass of late Years.

Her Majesty should also be told, that we shall
 never be guilty of the Presumption of prescribing
 when, or against whom, she should exert her Roy-
 al Prerogative; and that we will always be rea-
 dy to assist her in the Support of the just Rights of
 the Crown, as well as in maintaining the Liber-
 ties of the Subject, which are equally dear to her.

It may with Modesty and Truth be affirm'd,
 that the Lords have in all Times been the
 surest and most natural Bulwark of the Prero-
 gative

' gative of the Crown, they being (as her Maje-
 ' sty's Grand-father, of blessed Memory, was
 ' pleas'd to express it) *an excellent Screen and*
 ' *Bank, between the Prince and the People,* to assist
 ' each against the Encroachments of the other.
 ' It concerns us, my Lords, never to contribute,
 ' by any Act of ours, to the Diminution of the
 ' Rights of the Crown, nor to suffer it in others.
 ' And we cannot act otherwise, without hurt-
 ' ing our selves in the highest Degree, being
 ' thoroughly convinc'd, that the Preservation of
 ' the legal Prerogative, is not only the surest
 ' Way to secure our own Privileges, but of
 ' absolute Necessity for the happy and right-
 ' ful Administration of the Government. And
 ' it is to be hop'd, that the House of Com-
 ' mons will, in all Times to come, speak
 ' and act with that Regard to the Prerogative
 ' which they seem to have taken up very lately.
 ' There remains one Particular more, which is
 ' as fit to be laid before her Majesty, that is, the
 ' Insinuation in the Address, as if the Examina-
 ' tion of these Prisoners by the Lords, was in or-
 ' der to obstruct the Enquiry into the Designs
 ' against the Queen's Person and Government,
 ' or at least, that it is likely to produce such an
 ' Effect. Our dutiful Zeal for her Majesty's Go-
 ' vernment, and our warm Concern to discover
 ' all Designs, and oppose all Practices against it,
 ' are two well known to the World, that any
 ' Suggestions of that sort should make the least
 ' Impression to our Disadvantage, since it is easy
 ' to determine, whether a hearty and forward
 ' Undertaking to search into the Designs of her
 ' Enemies, or the seeking Occasion to object to,
 ' and interrupt such Endeavours, be most likely

to obstruct the Discovery of the pernicious Practices of Traytors.

Finally, my Lords, it is of the highest Importance to make this Representation to her Majesty; for the presenting of which I have so long trespass'd upon this august Assembly, out of a passionate Concern, which every Member that sits here most undoubtedly has, to stand not only acquitted, but approv'd, in the Judgment of so excellent a Queen, and so justly belov'd of all her Subjects.

Let us tell her Majesty, we depend upon her Justice, as well as Goodness, that nothing can do us Prejudice (from whatsoever Hand it comes) in her Royal Opinion, while we continue to act in that Station where we are plac'd by the Form of the *English* Government, according to the Laws and Customs of Parliament, with all imaginable Respect and Duty to her sacred Person, and all possible Zeal for the Safety and Happiness of her Kingdoms.

An humble Address from this House, concluded with our firm Promises, that no Dangers, no Reproaches, nor any Artifices whatsoever, shall deter, or detain us from using our utmost Endeavours, from Time to Time, in discovering and opposing all Contrivances and Attempts against her Majesty's Person and Government, and the Protestant Succession by Law establish'd, cannot but be well taken by her Majesty. 'Tis therefore my humble Opinion, that an Address be drawn up, and presented to her Majesty, in pursuance of the Particulars I have taken the Freedom to lay before your Lordships, as a Member of this House.

Accordingly there was one drawn up, and presented, which the Queen receiv'd very graciously, and return'd a favourable Answer to. This inflam'd the House of Commons more and more against the Peers, and made them omit no Opportunities of widening the Breach between them; nor were they in want of one long, to heighten their Differences, from the Lords interposing in an Affair, the Cognizance of which the lower House of Parliament pretended solely belong'd to themselves. The Case was thus; one *Matthew Ashby* commenc'd and prosecuted an Action at Common Law, against *William White*, Mayor of *Ailesbury*, and others the Constables of that Town, for refusing to receive his Vote at an Election of Burgesses to serve in Parliament for the said Borough; but being cast, he brought an Appeal into the House of Lords, who, upon strict Examination of Witnesses, and upon mature Deliberation, gave Judgment in Favour of *Ashby*; thereby asserting both the Right of Electors, and the Freedom of Parliaments. Hereupon the Commons looking on those Proceedings as an Incroachment on their Privileges, not only came to several Resolutions against them, but order'd five other *Ailesbury* Men to be taken into Custody, and committed to *Newgate*; signifying at the same Time, by an Order of their House, affix'd to *Westminster-Hall-Gate*, ' That whoever should presume to commence or prosecute any Action, Indictment, or Information, which should bring the Right of the Electors, or Persons elected to serve in Parliament, to the Determination of any other Jurisdiction, than that of the House of Commons, (except in Cases specially provided for, by Act of Parliament) such Person and Persons, and all Attorneys, Solicitors, Counsellors, and Serjeants at Law,

Law, soliciting, prosecuting, or pleading in any such Case, should be deem'd guilty of a high Breach of Privilege of that House.

Now, 'tis to be observ'd, that the whole Stress of the foregoing Resolutions, was intended against the Lord *Wharton*, who was entirely in the Friendship of the Lord *Halifax*, and who, by his Generosity to the Prisoners in Distress, that were altogether subsisted by his Bounty, had made himself the Mark of the Commons Resentment. But such was the Effect of the Representation made to the Queen by the House of Peers, in Pursuance of the Speech just now given the Reader Verbatim, that notwithstanding, eleven of the Judges were so intimidated, as to give their Opinion against the Return of the *Habeas Corpus* for the Prisoners; and not only they, but the Counsel which appear'd for them in Justification of the Legality of that Return, were put into the Custody of the Serjeant at Arms, to prevent the Execution of the Writ of Error, which it supplicated her Majesty for, that the said Princess declar'd, in her Answer to it, ' That she would ' have granted what they desir'd, but finding an ' absolute Necessity of putting an immediate ' End to the Session, she was sensible there could ' have been no farther Proceedings upon that ' Matter '.

Not but, before we speak of the rising of both Houses, we ought to give an Account of another Debate, which his Lordship was again concern'd in, and that is, about the Bill for preventing Occasional-Conformity, and which had a third Time been sent up to the House of Peers, for their Lordships Concurrence, after it had well-nigh been lost in that of the Commons, thro' the Means

Means of an Expedient found out by Mr. Bromley, for its Passage, without any Possibility of an Amendment from the Lords, by Virtue of its being tack'd to a Money-Bill. Which Expedient, it was said, was suggested by the Lord Halifax, to Mr. Harley, (now Earl of Oxford) then come over to the Measures of the moderate Party, in order to the total Defeat of those that were for carrying Matters with a high Hand, even at a very ticklish Conjunction. Upon the first Reading of the Bill, the Arch-bishop of York declar'd, *That he was for so much of it as concern'd the Church*; whereupon his Lordship (whose Memoirs are in Hand) said, 'He was glad to hear that a learned Prelate make a Distinction between the Ecclesiastical and Political Part of the Bill; and he hop'd that all the Lords, who in their Consciences were satisfy'd, as his Grace seem'd to be, that the Bill was fram'd to serve a Temporal, as well as Spiritual End, would vote against it.' Which had such an Influence on that August Assembly, that when it was propos'd to be read a second Time, it was carry'd in the Negative by a Majority of 71 Voices against 50.

Little or nothing farther relates to his Lordship, during that Session of Parliament, which broke up on the 14th of March 1704, than that when the E. of N—— had spoken something in Derogation of the late King William, for the Treaty of Partition, the Lord Halifax rose up, and said, *It was unbecoming a Member of that House, to sully the Memory of so Great a Prince, and that he doubted not, but a Man who could reflect on King William before his Successor, (for the Queen was present at the Debate) would do the same by the Queen then reigning, when she was gone: For as to*
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the Treaty then mention'd, he added, that there was a noble Lord there present, bowing to the Earl of Jersey, who was the principal Agent and Plenipotentiary in that Treaty, and whose Duty, as well as Interest, it was to vindicate both the Memory of his late most gracious Master, and his own Conduct. He likewise said, in the Debate about the Act of Security, pass'd in Scotland, by the Advice of the Earl of Godolphin, then Lord Treasurer, wherein the Earls of Nottingham and Rochester urg'd the ill Consequences of it, that if that Act had not been granted, there might have been Danger of a Rebellion in that Kingdom: And declar'd, when some other Lords were for hazardous Schemes by way of Opposition to it, That as skilful Physicians, and wise Legislators, they bught rather to apply present Remedies to a known Evil, than to lose Time in enquiring whether it might have been prevented; and that the best Method to prevent the Inconveniencies which might happen by some late Acts past in Scotland, was by making such Laws in England, as might be conducive to that Purpose; and recommended the empowering the Queen, by Act of Parliament, to name Commissioners to treat about an Union with Scotland, provided that those Powers were not put in Execution, till Commissioners should be nam'd on the Part of Scotland, by the Parliament there. That Scotch-Men should not enjoy the Privileges of English-Men, except such as were settled in England, Ireland, and the Plantations, and such as were and should be in the English Sea or Land Service. That the bringing of Cattel from Scotland, into England, should be prevented. That the Lord high Admiral, or Commissioners of the Admiralty, for the Time being,

‘ being, should be requir’d to give Orders to her Majesty’s Ships, to take such Vessels as they should find trading from *Scotland* to *France*, or to the Ports of any of her Majesty’s Enemies. And that the Exportation of *English* Wooll into *Scotland*, might be carefully hinder’d.’ All which Motions terminated in several Resolutions; the Result of which was, that Orders were given the Judges to reduce them into Bills, which pass’d into Acts by Consent of both Houses of Parliament; so that the Union of *England* and *Scotland*, (in the bringing about of which, the Lord *Halifax* was nominated one of the Commissioners on the part of the former) and which her Majesty afterwards declar’d from the Throne, *she would always esteem as the greatest Glory of her Reign*, was originally to be ascrib’d to his Lordship, who first propos’d it.

Both Houses being now up, and a new Election for Members of Parliament to serve in the House of Commons, just ready, as it were, to be made; both the one and the other Party set themselves at Work to vindicate their several Procedures, that they might stand right in the Judgments of those that were to make Choice of them. And whereas those who call’d themselves *moderate Men*, because they were not for pushing Things to Extremities, saw that the Queen, by some Expressions in her Speech at her dismissing them into the Country, wholly disallow’d of the Measures taken by the Commons, for the Passage of the Occasional Conformity Bill, by a TACK, which she call’d a *dangerous Experiment*, and the unhappy Divisions between both Houses in the *Ailesbury* Affair, &c. under the Terms of *their own unreasonable Humour and Animosity*, they therefore made it their Endeavour

deavout to strengthen their Interests with the People, by exposing the Names of such, which were 134 in Number, whom her Majesty seem'd to point at from the Throne, as above express'd in Black Lists, and other popular Pamphlets. In Answer to this, the Gentlemen thus expos'd, by themselves, and their Adherents, justify'd their Conduct in Print; and by Way of Reply to anonymous Authors, a Pamphlet said to be Mr. Bromly's Speech in Relation to the Conformity Bill, and TACK, soon saw the Light. It was look'd upon as a very valuable Performance, (and indeed, could not be otherwise, if it was really that Gentleman's) and mightily cry'd up by those who espous'd the same Cause with him; therefore his Lordship no ways thought it beneath him, amidst the great Avocations of his Post, to examin into it, and afterwards print his Remarks upon it, which were given to William Burnaby, Esq; who told the Author of these Memoires, that he handed it to the Press. It went under the Name of *An Answer to Mr. B——'s Speech*, as above, in a Letter to a Friend; and ran thus:

SIR,

I Have receiv'd the Favour of your Letter, in which you tell me strange News indeed: For after all the Noise that has been so long against the TACKERS, infomuch that most of them thought their safest Way was to deny it in their several Countries; yet now they seem to take Heart again, and Mr. B——, who you say is lately come down, undertakes to justify all that Proceeding. The Arguments he makes Use of, you tell me, are these.

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In the first place, he says, The Practice of Occasional-Conformity, is such a scandalous Hypocrisy, as is no way to be excus'd upon any Pretence whatsoever: That it is condemn'd even by the better Sort of Christians themselves: That the employing Persons of a different Religion from that establish'd by Law, has never been practis'd by any wise Government, and is not allow'd even in Holland, at this Day: That the Sacramental Test was appointed by the Wisdom of the Legislature, to preserve the establish'd Church; which Church seems in as much Danger from the Dissenters now, as it was from the Papists then: That this Law being so necessary, and having been twice refus'd in the House of Lords, the only way to have it pass, was, to tack it to a Money-Bill: That it had been an ancient Practice to tack Bills that were for the Good of the Subjects, to Money-Bills, that while Grievous Taxes were laid upon the People, for the Support of the Crown, the Crown might, in Return, pass such Laws as were for the Benefit of the People: That the great Necessity there was for the Money-Bills passing, was rather an Argument for, than against this Proceeding: For what Danger could there be, that the Lords (who pretend to be such great Patriots) should rather lose the necessary Supplies, than pass an Act so requisite for the Preservation of the Church: That, however, if they could suppose them so unreasonable, the Matters were not yet so bad; for it was but only proroguing the Parliament for a few Days, and the Commons might have pass'd the Land-Tax again without the TACK.

To consider these Arguments in their Order, I shall very readily own, that a Man who thinks it unlawful to receive the Sacrament according to the Manner of the Church of England, and yet does it to qualify him for an Employment;

ment, is no way to be justify'd. And I shall grant farther, that one who does go once to Church, to qualify himself, and never goes after, is to be condemn'd, whether his not going afterwards be upon a Scruple of Religion, or his having no Religion at all. But neither of these is the Person against whom this Bill is levell'd; the Design of this Bill being against such as do some Times go to Church, and do at other Times resort to separate Congregations.

Now, to judge how far this Practice may be lawful, we must consider the Reasons the Dissenters pretend, for the Separation from the establish'd Church.

There are some who pretend all Communion with the Church, absolutely unlawful. There are some who do not object to Communion with the Church in general, but to some particular Parts of the Common-Prayer. There are others who do not pretend there is any Thing in the establish'd Way of Worship, sinful and unlawful, but they think their own Way more pure and decent, and more according to God's Word. There are others that do not carry the Matter quite so far as these, but having been brought up in a way of Worship who has nothing unlawful in it, they think they ought not to leave their Friends entirely, unless there were somewhat sinful to make them do it.

As to the first Sort, they never communicate with the Church; such are the Quakers, and therefore are not concern'd in this Question.

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As for the second Sort, an Objection to a particular part of our Service cannot justify Men for not conforming to our Church, in those Parts of our Service to which they have no particular Objection.

And as to the two last Sorts, which are by much the most considerable, and comprehend the greatest Part of the Independents and Presbyterians, I cannot see how those Objections can justify them for never going to our Churches, tho' they may think themselves justify'd by them, for going to their separate Congregations also.

That this was the Case of several of the Dissenters, is very evident from their Practice. Dr. Bates, and Mr. Baxter, and some others of the most eminent Teachers among the Dissenters, did, after the Restoration, go constantly to the Parish Churches; staid all the Divine Service; receiv'd the Sacrament every Month; and did exhort and bring their Auditors to do the like; though at the same Time they thought themselves oblig'd to keep up their separate Congregations. And accordingly there are at this Day, in many Parts of England, several Congregations of Men, Women, and Children, of such who neither, by their Circumstances, Sex, or Age, can have the least Prospect of any Office, who go some Times to the establish'd Church, stay all the Divine Service, receive the Sacrament, and yet at other Times resort to separate Congregations. And how this, which has been so great a Step towards a constant Conformity, and has prov'd so in very many Families of Condition, becomes at present so

scandalous

scandalous and hypocritical a Practice; I can, not for my Life imagin.

Our Ancestors had very different Opinions of this Matter; the Papists communicated with our Church in the Beginning of Queen Elizabeth's Reign, and were so far from being charg'd with Hypocrisy by any of our Church-Men for it, that all Encouragement that could be, was given to them; and a Declaration against Transubstantiation, which was the Liturgy in Edward the Sixth's Time, was, to avoid Offence, left out, and not put in again till the Restoration. The Pope, indeed, did not think it for his Interest to allow the Practice, and therefore forbad it. And yet I hope Mr. Bromley will not pretend, the Differences between us and the Dissenters, are greater than between us and the Papists; or, that there is not as much Probability of making the former join with us in one common Interest, as ever there was of the latter.

But this Practice, Mr. Bromley says, is condemn'd by the better Sort of Dissenters themselves.

That this Practice should be condemn'd by the most violent Part of the Dissenters, I think there is no Reason to wonder at. Those who would perswade their Auditors, that all Communion with the Church of England, is absolutely unlawful, must use their utmost Endeavours to keep their Auditors from looking into the Practice of that Church. There is somewhat so Devout, so Reverend, and so Christian, in our Forms of Worship, and particularly in that of administering the Sacrament, that the safest way to keep People from complying with them, is, to keep them from knowing

' knowing what they are And there have
 ' been so many considerable Families, that by
 ' an *Occasional - Conformity* at first, have been
 ' brought to a constant Conformity at last,
 ' that it is no Wonder those who are so violent
 ' for a Separation, should be against those Me-
 ' thods that have brought so many to an Union.
 ' But that Mr. Bromley, who professes himself so
 ' zealous a Friend to our Church, should call
 ' those *the better Sort of Dissenters*, who are the
 ' most violent against it, and should declare so
 ' warmly against a Practice by which the Church
 ' has gain'd so many Profelytes already, and is
 ' so likely to gain the rest, that, I confess, is
 ' to me a little extraordinary.

' But however, tho' some rigid Dissenters may
 ' disapprove the Practice of the *Occasional-Con-*
 ' *formists*, I make no Doubt but the most violent
 ' of them would be alarm'd at any Thing done
 ' against it; nor can ever imagine, that if the
 ' Law were once alter'd to the Prejudice of those
 ' Dissenters, who approach so nearly to our
 ' Church, they might not soon expect a more
 ' severe Law against those Dissenters, who are
 ' so very distant from it.

But Mr. Bromley, you tell me, says farther,
That the employing Persons of a different Religion
from that establish'd by Law, has never been practis'd
by any wise Government, and is not allow'd even in
Holland at this Day.

What Governments Mr. Bromley will allow
 to be wise ones, I shall not take upon me to
 determine; but that in all Ages, and in all
 Countries, where there were not Persecutions
 for Religion, the Governments have employ'd
 Persons under them, who were of different Re-
 ligions,

Religions, is so very notorious, that it would
 seem ridiculous to give particular Instances.
 The *Jews* employ'd the *Sadduces*, and the *Hea-*
thens employ'd the *Jews*. The *Pagans* employ'd
 the *Christians*, and the *Christians* the *Pagans*. In
France, (which seems to be the Place some
 Persons propose for the Model of their Poli-
 ticks and Church-Discipline) there was an Ad-
 miral a Lord Treasurer, and a Conitable of
France, (not to mention several others) who
 were Protestants. Nay, under this present
 Monarch, (as great a Persecutor as he has
 prov'd since) the whole Army of *France* was
 intrusted in Protestant Hands. There is scarce
 a Town in *Holland*, where the *Remonstrants*, as
 well as *Calvinists*, have not some Times been in
 their publick Offices. Some of the Generals of
 the Army, and Governors even of their fron-
 tier Towns, are at this Time Roman Catholics.
 They do not only employ all Christians with-
 out Distinction, but even *Jews*, upon this Occa-
 sion; of which we had an Instance at *Ma-*
drid in the late Reign, which caus'd a sort
 of Rupture between them and us: And that
 the other *German* Princes follow them in this,
 we may be convinc'd by the printed Discourse
 between Mr. *Limborch*, and a learned *Jew*,
 where there is a List of several *Jews* at that
 very Time actually employ'd at the *Hague*,
 as publick Ministers from several of those
 Princes. And Queen *Elizabeth* employ'd *Papists*
 in her Councils, Fleets, and Armies, during
 her whole Reign. Whether she was a wise
 Princess, or a Friend to the Church of *England*,
 let the World judge.

But

' But let all this be as it will, the Matter
 ' in Question, is not, whether Dissenters from the
 ' establish'd Church, are employ'd by the Go-
 ' vernment there; for though they are, yet
 ' there is not one employ'd, that I know of,
 ' under her Majesty here. But the proper Questi-
 ' on is, whether it be penal in any who is in
 ' an Office, to go to a separate Congregation?
 ' And this is so far from being penal, that the
 ' Calvinists and Remonstrants made no Scruple of
 ' going to one another's Congregations, when
 ' there was any particular Occasion for it. Nor
 ' is there any Country that I know of, except
 ' England, where the receiving the Sacrament,
 ' or any other religious Exercise, is necessary to
 ' qualify a Man for any Temporal Employ-
 ' ment; so that we have gone a deal farther
 ' already than any Country has done.

But this Sacramental Test, Mr. Bromley says,
 was thought necessary to preserve the establish'd
 Church; which Church seems to be in as much
 Danger from the Dissenters, as it was then from
 the Papists.

' Every Body knows the Circumstances our
 ' Affairs were in at the Time when this Test-
 ' Act was made. We had a Sovereign upon
 ' the Throne, who was suspected to have a very
 ' strong Inclination towards Popery; and who,
 ' if the Proofs publish'd after his Death, by
 ' Authority, may be believ'd, was then actually
 ' a Papist. His Brother, who had then the
 ' greatest Share in the Administration, and who
 ' had the Fleet and Army in his own Hands,
 ' was a profess'd one. The Lord Treasurer,
 ' who had the Disposal of all the publick Mo-
 ' ney, was a Papist. The Persons employ'd in
 ' publick

publick Trusts, were such as were likely to pursue the Methods prescrib'd them by these. Secret Treaties were made with the *French* King, great Sums of Money receiv'd from him, and his Embassador was at the Head of our Affairs in *England*. In fine, there appear'd, upon all Occasions, an evident Disposition at Court to introduce Popery, and destroy the Liberty of the Subject; and there was a potent Prince ready at all Times, to engage in any Enterprize against the Protestant Religion, and the Civil Rights of *Europe*.

But is there any Danger like this, from the Dissenters at present? Has ever the most malicious Enemy but once suspected her Majesty of any Designs against the Church of *England*? Is there any Man employ'd in any Office under her, who has ever been said to be a Dissenter? Have the Dissenters shewn any Inclination to invade the Church? Are they not firmly united with her in the same common Interest? Or, if they were not, have they any foreign Prince, either willing or able to support them in any Attempt against her?

Thus far I have consider'd the Reasons that are given for the *Occasional-Bill* it self, and I must freely confess, I can see none that can satisfy me of the Necessity of it. I think the Practice of *Occasional-Conformity*, as us'd by the Dissenters, so far from deserving the Title of a vile Hypocrisy, that I esteem it the Duty of all moderate Dissenters, upon their own Principles to do it. I also think, that however it may be disapprov'd by some rigid Dissenters, it ought to be encourag'd by all good Church-Men, as a likely Means to bring them over to the Church.

to the true Communion. The employing Persons of a different Religion from the establish'd Church, has been practis'd in all Countries where Liberty of Conscience has been allow'd; and it is evident that we have gone farther already in excluding *Dissenters*, than any other Country has done: And that whatever Reasons there were to apprehend our Religion in Danger from the *Papists*, when the *Test-Act* was made, there does not seem the least Danger to it from the *Dissenters* now.

But on the other Hand, I can see very plain Inconveniencies from this Bill at present. As it was brought in the last Time, indeed, they have added a Preamble, which tho' it was put in the first Edition of the Bill, was left out in the second, viz. *That the Act for Toleration should always be kept inviolable.* But the *Toleration-Act* being to take away all the Penalties that a Man might incur by going to a separate Congregation, and the *Occasional-Bill* being to lay new Penalties upon those that do it, how they can say, that this is not in it self a Violation of the other, I cannot very easily comprehend. I doubt it will put People in mind of what pass'd in France, where every Edict against the Protestants, began with a Protestation, *That the Edict of Nants ought to be always preserv'd inviolable*, till that very Edict, in which it was in express Words, was repeal'd.

At a Time that all Europe is engag'd in a bloody and expensive War; at a Time that this Nation has not only such considerable Foes to deal with, but has a Party within her own Bowels, ready upon all Occasions to call

‘ call in a *Popish Pretender*, and involve us all
 ‘ in the same, or rather worse Calamities, than
 ‘ those from which, with so much Blood and
 ‘ Treasure we have been freed; at a Time that
 ‘ the Protestant Dissenters, (however they may
 ‘ be in the wrong in separating from us) yet
 ‘ are heartily united with us against the com-
 ‘ mon Foes to our Religion and Government;
 ‘ what Advantage those who are in earnest for
 ‘ defending these Things, can have, by lessening
 ‘ the Number of such as are firmly united with
 ‘ them in this common Cause, it is beyond my
 ‘ Ability so much as to imagine.

‘ But notwithstanding I can see no Reason
 ‘ for such a Bill as this, yet I would not have
 ‘ it thought, that the Dangers of the TACK
 ‘ were founded upon this Bottom only; for
 ‘ People may have quite a different Opinion
 ‘ of this Bill; they may think it convenient,
 ‘ they may think it in some Measure neces-
 ‘ sary, and yet they may be against the run-
 ‘ ning such a Risque, as the tacking it to the
 ‘ necessary Supply. And to do every Body
 ‘ Justice, several Gentlemen who were very
 ‘ zealous for this Bill, did however appear
 ‘ averse against that dangerous Experiment of
 ‘ Tacking it to the other.

‘ But Mr. Bromley says, *This Bill being necessary*
 ‘ *for the Preservation of the Church, and having*
 ‘ *been twice refus'd by the House of Lords, the only*
 ‘ *way to secure its passing, was, to Tack it to a*
 ‘ *Money-Bill.*

‘ This truly is a very compendious way of
 ‘ dispatching Business; it has always been
 ‘ thought the Excellency of our Constitution,
 ‘ that no new Law could be made, or old re-
 ‘ peal'd,

' peal'd, without going through several Hands,
 ' that were all Checks upon one another.
 ' Let the Commons be ever so much prepossess'd
 ' in favour of any Thing, they cannot propose
 ' it to the Throne to pass into a Law, with-
 ' out the Consent of the House of Lords: And
 ' let the Lords be ever so violent for any Bill,
 ' they cannot offer it to the Royal Assent,
 ' without the Concurrence of the House of
 ' Commons. And let both these Houses agree
 ' in their Opinion, yet it cannot pass into a
 ' Law, till it has its Sanction from the Throne.
 ' These different Steps are wisely order'd by
 ' our Constitution, for fear any Thing should
 ' pass into a Law by a particular Faction, by
 ' Heat of Parties, or by Inadvertency.

' But this excellent Form of our Legislature,
 ' is at an End, if Encouragement be given to
 ' this new Manner of TACKING. As
 ' all Money-Bills, however necessary for the
 ' publick Safety, must have their Rise and Form
 ' in the House of Commons; if this House may
 ' add to their Money-Bills, new Laws of quite
 ' different Nature to them; and if the Lords
 ' cannot, after this, pass those Money-Bills,
 ' without consenting to the other two, then it
 ' is the House of Commons only that has the
 ' Right of deliberating: For what Occasion can
 ' there be for the House of Lords to consider
 ' whether a Law be reasonable before they
 ' consent to it, when it is in the Power of
 ' the House of Commons to make them consent
 ' to it, whether they think it reasonable or
 ' not.

' Notwithstanding this, Mr. Bromley declares,
 ' *That it has been an ancient Practice to Tack Bills*
 ' that

that were for the Good of the Subject, to Money-Bills; that while heavy Taxes were laid upon the People for the Good of the Crown, the Crown might, in Return, grant such Laws as were for the Good of the People.

Whatever Pretence may be made of the Antiquity of this Practice, yet every Body knows it has been very rare, and is of a very fresh Date, and has only been when these two Circumstances have agreed. *First*, When Money was ask'd for the private Support of the Crown, and not for the general Necessity. *Secondly*, When some Bill had been before refus'd by the Crown, that was judg'd necessary for the Good of the Subject, not by some particular Men, or by one particular House, but by both Houses of Parliament.

But in the present Case, whatever Money was ask'd by the Queen, or granted by the Commons, was not for the private Support of the Crown, but for the general Necessity of the People. So far is her Majesty from getting one Farthing by these Taxes, that it is very well known, she has every Year, of her own Accord, contributed very largely out of her own private Revenue, towards the War. They are given to carry on a War that is absolutely necessary for supporting the Rights and Liberties of *Europe*, which have been so notoriously invaded by the *French King*; and to keep out a Pretender to our own Crown, who is bred up in the Religion and Principles of that Prince; and I hope no Man ever has been, or ever will, be thought fit to represent his County in Parliament, who does not think this War

‘ War necessary for the Interest of every Subject of England, as well as of her Majesty.

‘ In the *second Place*, this Bill is so far from being thought for the Good of the Nation, by both Houses of Parliament, that one House had before, in two successive Sessions, thought fit to reject it.

‘ In the *third Place*, if both Houses had agreed to it, there is no Reason to conclude her Majesty would have refus’d the Royal Assent; in which Case only, this Way of *Tacking* had ever been us’d.

‘ But tho’ this Way of *Tacking* had been sometimes practis’d, yet it is so far from being allow’d to be the Right of the Commons to do it, that the Lords have always, before the passing any such Bill, (how agreeable soever the Matter *Tack’d* might be to them) enter’d Protestations upon their Books, against that manner of Proceeding. And when the House of Commons carry’d this pretended Right so far, as to offer at *Tacking* Clauses to Money Bills, which the Lords did not think so reasonable to be pass’d, (tho’ they never went so far as to *Tack* any Thing the Lords had rejected before) the Lords, to preserve the Constitution, and that there might be a lasting Caution against all such Attempts, to ingross the whole Legislature to the House of Commons, at a Time when there was no such Matter depending between the two Houses, caus’d a solemn Declaration to be enter’d upon their Book, and which was sign’d by the greatest Part of ’em, that they would never after that Time, pass a Money-Bill with any Clauses that were foreign to the Subject of the Bill. And after
such

Such a Declaration so publickly made, enter'd, and sign'd, the Commons could have no Design in Tacking such Clauses, but only to have the Bill miscarry.

But Mr. Bromley says, That the great Necessity there was for the Land-Tax's passing, was rather an Argument for, than against this Proceeding. For what Danger could there be, that the Lords (who pretend to be such great Patriots) should rather lose the necessary Supplies, than pass a Bill so requisite for the Preservation of the Church?

How far this Bill had been for the Preservation of the Church, I have consider'd already; and as for the Lords being such great Patriots, I wish some Members of the House of Commons have not given their Electors too much Cause to think the Lords better Patriots than their own Representatives. But notwithstanding that, no reasonable Man can believe they could ever have pass'd this Bill so Tack'd.

The House of Lords, is an undoubted Part of the Legislature. That House, upon solemn Debates before, thought this Bill not fit to be pass'd; and if the Commons, notwithstanding that, could have forc'd them into passing this Bill, by this Method, they must never have pretended to have rejected any Bill more. We see by a thousand Instances, that such a Right once given up, is never to be retriev'd: And then they had not only parted with their Right of Debating for ever, but they had, by that, broken the *English* Constitution, and overthrown those fundamental Rights of Legislature, by which this Kingdom has flourish'd so long.

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‘ In the *second Place*, they had fix’d an indelible Mark of Infamy upon their own Persons, if they had suffer’d themselves to be forc’d into the doing a Thing that, upon a solemn Deliberation they had resolv’d, nay, most of them had protested under their Hands, they would never consent to do.

But says Mr. Bromley, if the Lords should refuse the Bill so Tack’d, Matters were not yet so bad; for it was but only proroguing the Parliament for a few Days, and the Commons might have pass’d the Land-Tax Bill without the Tack.

‘ I am very sorry to see Gentlemen pursue a bad Cause, ’till they are reduc’d to such wretched Evasions as these. Tho’ I think there were no Sort for Tacking this Bill, yet if it had been once Tack’d, there might have been several Reasons for not receding from it. How little Pretence soever there may be for the Commons Rights of Tacking, yet there are several worthy Members who would not have car’d to have given those Pretences entirely up; which must have been the Case, if they had departed from the Tack, after having once insisted upon it.

‘ ’Tis indeed ridiculous to imagine, that any one Man, who had voted for the Tack, would have given it up afterwards. However, if we could suppose a House of Commons so Childish, yet there must necessarily, by Parliamentary Forms, have been so much Time lost, and so great Delays in all publick Business, as would have been very near as fatal as the granting no Supplies at all.

‘ The Duke of Savoy was so press’d, that nothing but a constant Supply of Money from hence,

hence, and a firm Expectation of a sudden Succour, could have made him support the Cause with that Zeal and Bravery that he did. Any Stop of his Supplies from hence, any Fear of his early Succours, (both which our Delays must inevitably have occasion'd) had forc'd him into a separate Peace: And then the *French Army* in *Italy* had march'd immediately into *Germany*, and fallen upon the Confederate Forces there.

The King of *Prussia* was newly and heartily enter'd into the League, and had agreed to send a considerable Body of Men to the Relief of the Duke of *Savoy*: But as they were first to receive Supplies from hence, what Hopes could there be of their marching without their Supplies, or indeed, of that Prince's continuing in the Confederacy, when that very Nation that had perswaded him into it, was so little likely to support him in it.

Portugal had been so soften'd by a long Peace, that there were no Thoughts of their continuing the War, but by the Hopes of constant Succours from hence, and by the Success we had met with at *Gibraltar*. This Town was thought so considerable by the *Spaniards*, that they had exerted their utmost Force against it. What a Damp the Loss of that had put upon our Affairs, one may easily guess, by the Endeavours of the Enemy to regain it? And yet the Loss of that important Place, must have been the necessary Consequence of any Stop in our Supplies at Home.

The Success of the Confederate Forces, had been so great in *Banania*, that they had agreed to deliver up all their Garrisons to them. But what Likelihood was there of their performing that Agreement, if they had a Prospect of a sudden Succour from *Italy*? Or how should our Army have supported themselves without any Hopes of Supplies from hence?

All the Confederates were then in Consultation how to carry on the War next Year; and what Influence such a Miscarriage here, would have had upon all their Proceedings, I almost tremble to think.

The *French King* found such Difficulties in raising Supplies for the ensuing Campaign, that he was in a manner oblig'd to declare himself a Bankrupt. But such an Encouragement from hence, as the *Tack* had been, would have set his Matters right again; and one such Vote from our Parliament, had made him sufficient Amends for all the Prejudice our Armies had done him.

I cannot conclude this Paper better, than with the Words of her Majesty's most Gracious Speech, at parting. *We have, by the Blessing of God, a fair Prospect of this great and desirable End, (of a lasting Peace and Security) if we do not disappoint it by our own unreasonable Humours and Animosity; the fatal Effects of which, we have so narrowly escap'd in this Session, that it ought to be a sufficient Warning against any dangerous Experiment for the future.*

The foregoing Paper had such an Influence on the succeeding Elections, for which Writs were

were made out soon after the Removal of the Earl of Nottingham, Sir Edward Seymour, &c. that were great Promoters of the Bill above-mention'd, that the major Part of them went in favour of the Low Church-Men, notwithstanding a very celebrated Piece, call'd *The Memorial of the Church of England*, said to be written by Mr. Pooley and Dr. Drake, appear'd in Opposition to it. And the Lord Halifax, by this Turn of Affairs, was recall'd to his former Seat in Council, after which, his Lordship attended the QUEEN from New-market to Cambridge, where her Majesty, by her special Grace, caus'd him to be admitted Doctor in Laws, with several others of the prime Nobility and Gentry, whom she was pleas'd to distinguish after the same manner.

In Pursuance of the Elections aforesaid, the new Parliament met on the 6th of September 1705, when her Majesty, amongst other Expressions of her Royal Will and Pleasure to them, thought fit, with Reference to the Church of England's Memorial, wherein were several invidious Reflections on herself and the new Ministry, to tell them, That she could not but with Grief observe there were some amongst them, who endeavour'd to foment Animosities; but that she perswaded herself they would be found to be very few, when they appear'd to assist her in discountenancing and defeating such Practices. She likewise told 'em, That she mention'd that with a little more Warmth, because there had not been wanting some so very malicious, as even in Print to suggest the Church of England, as by Law established, to be in Danger at that Time, &c.

Where-

Whereupon, after the House of Peers had presented their Address of Thanks to the Queen, for her Gracious Speech from the Throne, as usual, and enter'd upon Affairs that were previous to the Debates upon that Head, the Lord Halifax made the Motion, in order to remove all unreasonable Jealousies, and ill-grounded Fears, for a Day to be appointed to enquire into the Church's pretended Danger. In Answer to which, the 6th of December following was appointed; when the Queen being in the House, the Earl of Rochester open'd the Debate, and told their Lordships, That the subject Matter of it, was of so tender a Nature, that it was difficult to speak to it; for her Majesty had express'd herself so conclusively in her Speech, that it seem'd to be in Contradiction to the Queen, to speak freely; but in Regard that the Ministers might be suppos'd to compose the Speeches, he desir'd, that what he said might not be offensive to her Majesty, to whom he had all the Affection and Respect that could be. He added, That Ministers might mistake, and not always act for the publick Good; and instanc'd, in the Ministry of Portugal, where the King was our Friend, the Ministry seeming to be otherwise, insomuch that that Alliance was no Benefit to us. That the Duke of Buckingham, and Arch-Bishop Laud, were heartily in the Interest of King Charles I. and did many Things that very much injur'd him. The full Expressions in the Queen's Speech, he compar'd to the Law in King Charles II's Time, to make it Treason to call the King a Papist, for which very Reason he always thought him so. The Reasons he gave for the Fear of the Church's Danger, arose from these three Causes. First, The Act of Security in Scotland. Secondly, The Heir of the House of Hanover not being sent for over.

Thirdly

Thirdly, *The not passing the Occasional-Bill.* Up-
 on the first, he said, *The Presbyterian Church in*
Scotland was fully establish'd, without a Tolera-
tion. That, to Arm the People, was to give them
a Power to invade England; whereby they had a
powerful Party for their Friends, who never wanted
the Will to destroy the Church. 2. That he thought,
the Heir to the Crown, ought to be present among
us, in order to be fully acquainted with us, and our
Constitution, and thereby enabled to prevent any
evil Designs upon the Church and State: And, 3. That
the Occasional Bill was in it self so reasonable,
and the Church's Request in it so small, that the
Industry for opposing it, gave the greater Grounds
for its Suspicion. When that Noble Lord had
 ended, the House sat still, and was silent near
 a quarter of an Hour, expecting some Body
 would second him; but no Body else speaking
 on that Side, the Lord *Halifax* stood up, and
 said, That he having mov'd for that Day's
 Debate, it might be expected that he should
 speak to it." He therefore told the House,
 That the Act of Security in Scotland, was a
 National Thing, wholly foreign to Church-
 Affairs. That it was pass'd only to prevent
 immediate War, which the Scots seem'd to
 have resolv'd upon. That in Case it should
 ever be made use of, it would be but as
 other Wars with that Nation had been in
 former Days; wherein England was always
 able to defend it self, and would be sure here-
 after, to be more able to do it, insomuch as the
 Strength of England was increas'd much more
 than that of Scotland; so that unless France
 should come into the Quarrel, whose Hands
 were already too full, it would signify little.
 But that, blessed be God, Things were so well

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comprimis'd with the Scots, and their former
 Heats so much abated, that there was no Reason
 for fearing an amicable Issue of that Difference.
 As to the House of *Hanover*, he said, that was a
 Danger but of eight Days standing, for he durst say
 a Fortnight ago, no Body made the Absence of the Princess *Sophia*,
 a Danger to the Church. And as for her Absence
 upon the Queen's Death, that was now so well to be
 provided for, by the Acts for Lords-Justices, that he thought no
 Evil could possibly happen to the Church before
 her Arrival. That he wonder'd the House of
Hanover should be now esteem'd such a Security
 to the Church, whereas, when the Laws were made
 for the Security of that Succession, it was generally reckon'd a Hard-
 ship upon the Church, and a Clergy-man, in Company
 of Convocation-Men, had openly call'd her an unbaptiz'd
Lutheran, the Truth of which he could prove. As to
 the Occasional-Bill, he said, that Matter had been
 canvass'd already; and it was then the Opinion
 of that House, that it would not prove of any
 Advantage and Security to the Church; but rather
 on the contrary, that upon the Whole, there had
 been Times in their Memory, wherein the Church
 might be said to be in Danger. King *Charles II* was a
Roman Catholick, at least his Brother thought fit to
 declare it after his Death, and the Successor, who
 was known to have the Management of Affairs
 during that easy Prince's Life, was known to be
 such, and yet the Church thought herself then
 secure, and those Patriots who stood up in its
 Defence, and endeavour'd to prevent

prevent the Evils which might ensue from a Popish Succession, were discountenanced, and punish'd. Nay, when that Successor came to the Throne, and the Church was very apparently in the greatest Danger, by the High-Commission Court and, otherwise, we were then indeed generally alarm'd; but we know who sat in that Court, and went large Steps in the Work then on Foot. That soon after the Accession of King William to the Crown, the Cry of the Church's Danger began, and was continu'd all his Reign; but on what Grounds, he could not know. That upon her Majesty's happy Succession, the Complaint had no Vent given to it for some Time, but that when she was pleas'd to make some Alterations, it was immediately reviv'd, grew clamorous, and had ever since continu'd so. And then his Lordship concluded, That he was of Opinion, *That the Church was then in no manner of Danger.*

In Answer to this, the Bishop of London, Duke of Leeds, Arch-bishop of York, &c. brought Arguments to evince the contrary, and the Debates ran high on both Sides, when the Lord Halifax recapitulating all that had been said for and against the Church's Danger, added his own Judgment once more, and ended with a Declaration, That the Nation was happy under a most just and wise Administration, wherein the publick Money was faithfully apply'd, the Treasury kept in a most regular Method, and thereby the publick Credit rais'd to the highest Esteem. That the Armies and Fleets were plentifully supply'd, and the Success of her Majesty's Arms, gave the whole World a more
astonishing

astonishing Idea of the Honour and Reputation
 of the *English* Nation, than had been known;
 and that we had a fair Prospect of bringing the
 War to a happy Conclusion, to the immortal
 Glory of the present Age, and the inexpressible
 Benefit and Safety of Posterity; wherefore
 Men, by raising groundless Jealousies, at that
 Time of Day, could mean no less, than an At-
 tempt to embroil us at Home, and to defeat all
 our glorious Designs Abroad.

The Debate being thus clos'd, his Lordship
 mov'd for putting the Question, *Whether the*
Church of England was in Danger under her
Majesty's Administration? And it being put accor-
 dingly, upon a Division, it was carry'd in the
 Negative, by a Majority of 61 Voices against
 30; and then the House of Peers came to the
 following Resolution. Resolv'd, by the Lords
 Spiritual and Temporal in Parliament assembled, That
 the Church of England, as by Law establish'd, which
 was rescu'd from the extreamest Danger by King
 William III, of glorious Memory, is now, by God's
 Blessing, under the happy Reign of her Majesty, in a
 most safe and flourishing Condition; and that whoever
 goes about to suggest and insinuate, that the Church is
 in Danger under her Majesty's Administration, is an
 Enemy to the Queen, the Church, and the Kingdom.
 N. B. 26 Peers enter'd their Protest in the Jour-
 nals of the House, against the foregoing Resolu-
 tion, but that was amply made Amends for, by
 his Lordship's Interest with the Commons, which
 prevail'd with that House to join with them in
 an Address to her Majesty, wherein it was in-
 serted, Word for Word.

Having

Having thus discharg'd my self of reciting what chiefly concern'd his Lordship in this memorable Session of Parliament, in the Year 1705, it behoves me to proceed to the Passages of this important Life, *Anno 1706*, a Year remarkable for the Conclusion of the Union between the two Kingdoms of *England* and *Scotland*, which was brought about with great Difficulty, and not without many useful Expedients, wholly owing to the Lord *Halifax*, one of the Commissioners, who first projected the *Equivalent*; without which, that happy Agreement between both Nations, had never been accomplish'd. Her Majesty, in her Speech to both Houses at the opening of the Session, had told them, among other Particulars which she was graciously pleas'd to lay before them, 'That in Pursuance of the Powers vested in her by Act of Parliament, both in *England* and *Scotland*, she had appointed Commissioners to treat of an Union between the two Kingdoms; and that this was a Work of such a Nature as could not but be attended with great Difficulties; yet such had been the Application of the Commissioners, that they had concluded a Treaty, which was at that Time before the Parliament of *Scotland*; and she hop'd the mutual Advantages of an entire Union of the two Kingdoms, would be found so apparent, that it would not be long before she should have an Opportunity of acquainting them with the Success which it had met with there.' Hereupon the Earl of Nottingham said, *That the Union of the two Kingdoms of England and Scotland, was a Matter of the highest Importance, and a Work of so much Difficulty, that all the Attempts that had been towards it in the last Century, had prov'd*

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ineffectual:

ineffectual: That the Parliament of Scotland having thought fit to secure the Presbyterian Church in that Kingdom, it became the Wisdom of the Parliament of England, to provide betimes against the Dangers with which the Church by Law establish'd was threaten'd, in Case the Union was accomplish'd. And therefore he mov'd, that an Address should be presented to her Majesty, humbly desiring that the Proceedings both of the Commissioners for the Treaty of Union, and of the Parliament of Scotland, relating to that Matter, might be laid before the House of Peers; and was seconded by the Earl of Rochester, and Duke of Buckinghamshire. But the Lord High Treasurer (the Earl of Godolphin) declar'd, ' That the said Affair was not then ripe enough for them to debate upon, and that they needed not to doubt, but that her Majesty would communicate to the Parliament of England, all the Proceedings about the Union, as soon as that of Scotland should have gone through with it.' Upon which, the Lord Halifax wisely observ'd, That there was no Question to be made, but that the House would concur with any reasonable Methods that should be propos'd by the first of those Peers, for the Security of the establish'd Church of England, at a proper Season; and said, That it was an Honour to the English Nation, for the Treaty of Union to come ratify'd from the Parliament of Scotland; and that then, and not before, it was most advisable to take the same into Consideration. Nor did this Observation of his Lordship, come short of its wonted Weight and Influence on a Majority of that August House; wherefore the other Party finding themselves too weak to carry the Question, the Earl of Nottingham's Motion was dropt.

When

When, some Time after the Rising of the Parliament of Scotland, who had gone through, and agreed upon the Articles of Union, her Majesty was graciously pleas'd to communicate Copies of them to both Houses of Parliament; and that of the Lords took them into Consideration on a Day appointed for that Purpose: And, after the six first Articles had been read and approv'd, notwithstanding several Objections (and those of great Weight too) made to them by the Earls of Nottingham, Anglesea, and Rochester, the Lord North and Grey observ'd, with Relation to the ninth, 'The finall and unequal Proportion Scotland, was to pay to the Land-Tax, intimating that Wales, which was as poor a Country every whit as that, and of a much less Extent, pay'd to the full as much again, and yet sent not much more than half the Number of Representatives in Parliament, which were granted to Scotland; and for that Reason his Lordship said he could not agree to that Article. Hereupon, the Lord Halifax, with his wonted Readiness of Thought, reply'd, 'That the Number of Representatives was no Rule to go by, since there was the County of Cornwall in England, that pay'd not near so much towards the Land-Tax, as that of Gloucester, and yet sent almost five times as many Members to Parliament as the latter did. That it was very true, the Quota of Scotland was very small and unequal, in Comparison to what was pay'd in England; but that the English Commissioners could not induce the Scotch ones to agree to any more, upon Account of several Impossibilities on their Side. That the English could not expect to reap the like Advantages of every Article of the Treaty; and that if they had the better of some few, we were infinitely recompens'd by the many Advantages which did

accerue to 'us from the whole. The Consequence of which Speech, was, on the Division of the House upon the said Articles, that there were 70 content with it, against 23 not content.

The next Debate happen'd to be on the fifteenth Article, at which, the Earl of Nottingham observ'd, ' It consisted in two Parts, viz. a certain Grant of Money, and the Application thereof; in Reference to which he said, that it ' was highly unreasonable that the Scotch, who ' were by the Treaty let into all the Branches of ' our Trade, and paid so little towards the Support of the Government, and of a most expensive War, should moreover have an Equivalent ' of 398085 l. given them for coming into that ' Treaty. ' He insisted much upon that Argument, and took Notice as to the Disposal of that Equivalent, ' That the Part of it which ' was to be given to the *Darien* Company, ' might be swallow'd up by a few Persons, ' without any particular Regard to the indemnifying every private Trader in that unhappy Enterprize. ' To this, the Lord Halifax answer'd again, That that Equivalent could not be look'd upon as a Gift, but as an equal Purchase of the Scotch Revenue and Customs, which by this Union were to be apply'd to the Payment of the Debts of England; and that they were no more Gainers by it, than we were here by the Sale of Annuities at 15 or 16 Years Purchase; that as to the Disposal of the Money, it being their own, it was but reasonable they should have the Liberty of applying the same, as they thought most convenient, the English Commissioners being no ways concern'd therein; whose Care, nevertheless, and great Prudence had been such, that they made Provision it should not be dispos'd of, but by certain Commissioners,

ners, who should be accountable to the Parliament of Great Britain for the same.

His Lordship likewise spoke in favour of the other ten Articles, there being 25 in Number, as Occasion offer'd, with that Perspicuity and Judgment, as caus'd the Debate to turn on that Side which he favour'd; so that as his Lordship had the Honour to be the Person that mov'd for appointing Commissioners to treat of an Union between the two Kingdoms, so he not only had a great Share in bringing that Treaty to a happy Issue, as one of those Commissioners, but in causing it to be ratify'd in Parliament.

Nor was his Lordship less in the Esteem of her Majesty, than of his fellow Peers, who pay'd a great Deference to his Judgment, by giving into it; for when the Bill *for the Naturalization of the Illustrious House of Hanover, and for the better Security of the Succession of the Crown in the Protestant Line*, was pass'd into an Act, his Lordship was made Choice of, as the fittest Noble Man, to carry that Act, with the Ensigns of the most noble Order of the Garter, to the Electoral Prince, to the Residence of the Elector of *Brunswick*, in his Capital, where he was receiv'd not only with the usual Ceremonies that are pay'd to a foreign Minister, but with many extraordinary Marks of Distinction and Honour.

He was welcom'd at *Diepeneau* (a Town on the Frontiers of the Elector's Territories) by the Governor of the Place, and afterwards very nobly treated by his Highness's Officers, who had been sent thither for that Purpose. The next Day his Lordship was met by *Sir Rowland Gwyn*, Chamberlain to the Electress Dowager, with a Compliment from her Electoral Highness, and found a
very

very splendid Entertainment prepar'd for him by the Elector's Officers. His Lordship arriv'd late in the Evening at *Hanover*, and was conducted to a Palace magnificently fitted up for his Reception. After which, Baron *Grote*, the late Envoy to *Sweden*, and Mr. *Schuts*, Son to the Elector's Envoy in *England*, acquainted him, that they had been appointed by the Elector to attend his Lordship, and do the Honours of his Highness's House and Table during his Stay at that Court. The first of them being Gentleman of the Bed-Chamber to the Elector, and the other chief Equerry to his Highness. On the Day following his Lordship had his Audiences with the usual Ceremonies, excepting only that the Elector had order'd six of his Coaches, instead of three, (which was the accustom'd Number) to attend upon him, and the Drum of the Court-Guard to beat as his Lordship pass'd by. Baron *Gurits*, President of the Chamber, and Grand Marshal, receiv'd his Lordship at the Head of the Stairs, and thence conducted him to the several Appartments of the Princess *Sophia*, the Elector, the Electoral Prince, and the Electoral Princess. There was an extraordinary Appearance of Nobility on this Occasion, and Tables prepar'd for the Ladies that were invited to the Solemnity. The Dinner was serv'd in the same Manner as when a Prince din'd with the Elector, the Trumpets and Kettle-Drums sounding at their going to Table. And after Dinner, his Lordship had his Audience of the Princess, and Duke *Ernest*, the Elector's Brother. There were likewise other Particulars that distinguish'd the Manner of his Lordship's Reception at that Court. Two of the Elector's Pages, and four Coaches, were appointed to wait on his Lordship,

Lordship, and a Party of Foot-Guards to attend constantly before his House. It was also to be observ'd, that the Elector, Electorefs, with the whole Electoral-Family, took all Occasions of shewing their entire Satisfaction with the Commission with which his Lordship was entrusted, and with the Choice her Majesty had made of his Lordship, to represent to them her Friendship and Esteem for that Illustrious House; and likewise of expressing their Affection for the *English* Nation, with their grateful Acknowledgments for what the Queen and Parliament had done towards the securing the Succession of their Family to the Imperial Crown of *Great Britain*. The Ceremony of investing the Electoral Prince with the Order of the Garter, was perform'd by Capt. *Vanbrug*, (now Sir *John*) *Clarencieux*, King at Arms, with the usual Solemnity. Not many Days after which, the Prince-Royal of *Prussia*, who was marry'd to the Electoral Princess during the Lord *Halifax's* Residence at that Court, set out with his Lordship for the Confederate Army, tho' not before his Lordship had receiv'd very grateful Testimonies of the Elector's, Electorefs's, and the Electoral Prince's Sense of the Service he had done them, by being the Bearer of so welcome a Message, in Presents of an inestimable Value. From the Army, his Lordship went to the *Hague*, where he laid the Foundation of a stricter Alliance between *Great Britain* and the United Provinces, for the better securing of the *British* Crown to the afore-mention'd Illustrious House.

While his Lordship was in *Holland*, he took Occasion to visit the City of *Amsterdam*, where he receiv'd uncommon Civilities from the Magistrates,

Strates, and all sorts of People. Amongst the rest, the *Portuguese Jews* invited him to their Synagogue, where they seated his Lordship in a most honourable Place; and to shew their great Respect for him, and their good Wishes for the Glory and Success of her Majesty's Arms, they made a Prayer for her Majesty in *Hebrew*, which they presented to him in *Latin*, and was thus *English'd* by himself:

' May he whose Kingdom is everlasting, and
' whose Power is without Bounds, who gives Au-
' thority and Victory to Princes, who preserv'd
' *David* his Servant from the Sword of his Enemies,
' who made his Way thro' Tempests, and stormy
' Waters, bless, preserve, defend, assist, and exalt
' to Heaven her sacred Royal Majesty *ANNE*,
' Queen of *Great Britain*. May the merciful
' King of Kings bless her, and defend her from
' all Troubles, Perils, and Adversities; may the
' Almighty, out of his infinite Mercy, bless her
' Armies with Success, and prolong her Reign;
' may the King of Kings inspire her and her Mi-
' nisters with Mercy and most tender Dispositions,
' that they may be indulgent to us and our Bre-
' thren; and that in her Life and our Time, Salva-
' tion may appear to the *Jews*, and that *Israel* may
' be in Peace upon the coming of our blessed
' Redeemer. Let the Will of God be such, and
' let us all say, *Amen*.

Few Things that bore a particular Relati-
on to the Lord *Halifax*, happen'd in the Tran-
sactions of the Year 1707; only that in the
ensuing Session of Parliament, when a Debate
grew hot in a Committee that had under
Con-

Consideration the State of our National Affairs, and the Lord *Haverham* had spoken very loudly of our ill Conduct at Sea, in not protecting the Merchants; his Lordship, to allay their Heats, by proposing Ways and Means to retrieve our Losses by Sea, mov'd, that a Committee might be appointed to receive Proposals for encouraging of Trade in the *West-Indies*, which was carry'd in the Affirmative, and had such an Effect, as to be productive of very good Consequences; so that the Merchant, by being enabled to make Reprisals, was at Ease, and the Animosities conceiv'd against the Court-Party on that Subject, were perfectly quieted. Another material Occurrence likewise fell out during this Session of Parliament: The Right Honourable *Peregrine*, Lord Marquess of *Caermarthen*, (now Duke of *Leeds*) had brought a Cause depending between him and the Lord *Halifax*, by Writ of Error, into the House of Peers: The former was Plaintiff, under Pretence of a Grant made him of the Auditor of the Exchequer's Place, after the Death of Sir *Robert Howard*, the Lord *Halifax* his Predecessor; but such was the Defendant's Right and Interest, as to make that wise Assembly determine in his Favour, and to confirm him in the Possession of a Post which he had so highly merited by the most approv'd Conduct.

The next memorable Consultation in Parliament, wherein his Lordship had a Share, was that concerning the Earl of *Peterborough*, at his Return into *England* from *Catalonia*, where he had not only taken the Capital, with the whole Province, and the greatest Part, of *Valentia*, &c. but had reliev'd *Barcelona*, when besieg'd by the Enemy with a very formidable Army, &c. It had

been customary, at the Return of the Duke of Marlborough from finishing most of his Campaigns, which, for the Generality, ended very gloriously, to give him the Thanks of the House of Peers; but the preceding Summer having been chiefly spent by him in Negotiations Abroad, which tho' they pay'd the Way for succeeding Victories, being not esteem'd according to the Value that ought to have been put on them, were thought not deserving enough of the publick Acknowledgments of that August Assembly. It was therefore propos'd by those who bore his Grace no good Will, and had Intentions to mortify him, by setting up a Competitor in Military Achievements, to give the General in Spain the Thanks of the House at that same Time as the chief Commander in Flanders went without them; and my Lord of Rochester having commended the Earl of Peterborough's Courage and surprizing Successes, and enumerated his Services; said, 'It had been a Custom, that when a Person of his Rank, that had been employ'd Abroad in so eminent a Post, return'd Home, he had either Thanks given him, or was call'd to an Account; urging, that the same might be done in Relation to the Earl of Peterborough.' Whereupon the Lord Halifax, who spoke next, enlarg'd likewise on the Earl of Peterborough's Services, but dexterously put off the returning him Thanks, till the whole Tenor of his Conduct had been examin'd; than which, he understood the Earl himself to have nothing more at Heart, since it would more redound to his Lordship's Honour to have those Thanks given him after mature Deliberation, and a due Survey of each glorious Circumstance of his Behaviour, than to all precipitately, and make
a Tender

Tender of them, without giving themselves the Satisfaction of looking into the Particulars. This being agreed to by the House, the Result of the said Examination, after several Sittings, ended in their allowing his Lordship's Conduct to be altogether blameless; notwithstanding which, such was the Management of the Lord Halifax, in Favour of the Duke of Marlborough, who would otherwise have resented the Refusal of them to himself, that, tho' the Earl of Peterborough's Friends labour'd very hard to obtain the Thanks of the House for that noble Peer, all the Interest they had, was not sufficient to gain that Point.

The Lord Halifax was likewise, during this Session of Parliament for the Year 1707, very instrumental (in Pursuit of the Motion he made at the Beginning of it, for a Committee to be appointed for that End) in redressing the Grievances of the Merchants, and procur'd Commodore Kerr, a very corrupt Officer, and Commander of a Squadron of Ships in the *West-Indies*, to be dismiss'd the Service for arbitrary and unjustifiable Practices; and also defeated the Designs of such as were against the Bill for rendering the Union of the two Kingdoms more compleat and entire; whereby it was enacted, 'That from the first of May 1708, there should be but one Privy-Council in the Kingdom of Great Britain,' by opposing the Arguments of the Lords Rochester and Nottingham, who represented the additional Hardships and Sights that were put upon that Part of the United Kingdom call'd Scotland, by so sudden a Disposition, and mov'd, That it might be continu'd at least 'till the Month of October following, with such solid and well-grounded Reasons, that the Question being

put whether their Lordships should agree to the Clause above-mention'd, it pass'd in the Affirmative by a considerable Majority of Voices.

The Year 1708 being as little fruitful of Events relating to his Lordship, the Memoirs of whose Life are now in Hand, as the former, we find only, that when the Lord *Haverham*, at the sitting of the new Parliament, had inveigh'd against the Ministry, as usual, in a Display of the ill State of the Fortifications in Scotland, and the Dangers that Part of the United Kingdom was subjected to from the Invasion of the Pretender, which rather miscarry'd by Providence, than any human Precaution and Foresight, the Lord *Halifax* stood up and ask'd Leave of the House, to acquaint them, that the noble Peer who spoke last, had of late Days been so possess'd with Fears and Jealousies, that he question'd whether his Lordship could account for them, it being his particular Infelicity to lay before that House his Apprehensions of Dangers, when they were blown over, and entirely vanish'd. To this, he added, That he had a great Esteem for his Lordship, as a Person that had been early in the Revolution, and had distinguish'd himself by readily giving into the Measures of it; but that he could not but observe, that since his Lordship had been out of Employment at Court, and had thereupon been piqu'd at by some Great Men in the Administration, he had attributed all our Successes to Chance, and not to good Management; when at the same Time a Fleet had been equipp'd and put to Sea in less Time, to the Confusion and Disappointment of the Nation's Enemies, by the Care and Conduct of his late Royal Highness, (who was scarce cold in his Grave) than ever was known during his Lordship's Presence at

at the Admiralty Board; which, in Justice to the deceased Prince, and in Duty to her Majesty, who had such a tender Regard for his Memory, he ought rather to have acknowledg'd, than have purposely omitted. By which Means, all the long Detail of a prolix Account of the small Number of Men and Arms, and Stores of Ammunition and Provision, in the several Castles, that could not be attempted, without beating that Fleet, came to nothing; and his Lordship, whom the Lord Halifax reply'd to, found he had made a Speech that was receiv'd full as well as it deserv'd, since it was follow'd by a Resolution in Favour of those that sat at the Helm of Government.

The next Debate, wherein his Lordship (*viz.* Halifax) signaliz'd his Dexterity in the Management of Parliamentary Controversies, was in that about the Bill for the Naturalization of foreign Protestants, which was brought up from the Commons, for the House of Peers Concurrence. The Substance of the Earl of Rochester's Argument against it, was, 1. That the Conflux of Aliens, which would probably be the Effect of such a Law, might prove dangerous to the Constitution; for these would owe Allegiance to their respective Princes, and retain a Fondness to their native Countries; and therefore whensoever a War should break out, might prove so many Spies and Enemies. Besides, under this Pretence, the propos'd Enemies of the establish'd Church and Religion, might flock over, with Design to effect their Overthrow. 2. That a general Naturalization might undoubtedly spread an universal Disgust and Jealousy throughout the Nation, particularly in those Cities and Towns that were Places of Manufacture,

' Sure, there having been many Complaints
 ' and Commotions in *London*, and elsewhere, on
 ' Occasion of Foreigners. 3. That the Design
 ' of inviting Multitudes of Aliens to settle in
 ' *Great Britain*, might prove, in Time, a farther
 ' Mischief; for they would not only be capable
 ' of voting at Elections, but also of being cho-
 ' sen Members of Parliament; have Admission
 ' into Places of Trust and Authority, which,
 ' in Process of Time, might endanger our an-
 ' cient Policy and Government; and, by frequent
 ' Intermarriages, go a great Way to blot out
 ' and extinguish the *English Race*. 4. That an-
 ' ciently, *Naturalizations* by Act of Parliament,
 ' were seldom or never made, but upon special
 ' Reasons and particular Occasions. And tho'
 ' some Acts had given Encouragement to foreign
 ' Merchants and Weavers, to settle in *Great*
 ' *Britain*, it was when the Weaving Trade, and
 ' other Manufactures, were inconsiderable to the
 ' Advancements they had since attain'd. Be-
 ' sides, from the Sentiments of the great Customs
 ' in *Edward I's* Time, in all Acts of Parlia-
 ' ment for Subsidies since pass'd, Aliens had
 ' always been charg'd with an Increase of
 ' Customs above Natives, and a Discrimination
 ' kept up between them, as was particularly
 ' remark'd by the Learned Chief Justice *Hale*,
 ' in a Tract against a general Naturalization.
 ' 5. That it was more than probable, that the
 ' greatest Number that would come over, would
 ' be of poor People, which would be of fatal
 ' Consequence with Respect to the many poor
 ' industrious Families, who would be reduc'd to
 ' the utmost Streights thereby, it being evident,
 ' that no Hands were wanted to carry on our
 ' Manu-

Manufactures from the great Quantities that lay on Hand, their Cheapness, and the Lowness of Wages now given. What then, said his Lordship, would be the Effect of such an Addition? for these Aliens would altogether settle in Places of Manufacture, there being no Instances of any of the late Refugees betaking themselves to the Spade, Plough, or Flail. He likewise added to this, That it would be a great Charge to those Parishes wherein they would settle, there being now great Numbers of French, who, for want of Work, were reliev'd, and in great Measure maintain'd, by the Queen's Bounty, and Charity of their Churches, and other well-dispos'd Persons, who, when naturaliz'd, would have Recourse to their own respective Parishes for an Allowance. 6. That a general Naturalization would, in Effect, defeat the Patent of the Act of Navigation, which had always been esteem'd to conduce to the Interest of the Nation, by the Encouragement and Increase of English Mariners, and Advance of Trade. 7. That thereby, in Process of Time, Aliens would be advanc'd in Riches, and her Majesty's Subjects impoverish'd; for those beneficial Trades of buying and selling by Commission, Remittances and Exchanges of Money, would, in great Measure, be engross'd by Foreigners, by Reason of their many Friends and Relations Abroad. Besides, such Aliens generally living in Lodgings, and at little Charge, frequently escaping publick Taxes and Parish-Duties, would be able to undersell and undermine the native Merchants. 8. That thereby the Treasure of the Nation would be exhausted, and remitted into foreign Parts :

‘ Parts : For it might well be suppos’d that
 ‘ those Aliens that had valuable Estates, could not
 ‘ or would not, transport the greatest Part there-
 ‘ of into *Britain* ; and leaving Children and their
 ‘ nearest Relations behind them, they would
 ‘ come into her Majesty’s Kingdoms only upon
 ‘ a Design of getting Riches, and to return Home
 ‘ therewith, particularly upon a Prospect of War :
 ‘ An Instance of which, we had in the Practice
 ‘ of our Merchants, who, when they had got
 ‘ Estates Abroad, constantly return’d Home to
 ‘ enjoy the same. 9. That the Queen’s Customs
 ‘ would thereby be considerably diminish’d ; for
 ‘ many Statutes which lay a greater Duty on
 ‘ Aliens, than on Natives, would, as to this, be
 ‘ repeal’d. 10. That Opportunity would there-
 ‘ by be given to Merchants to colour the Goods
 ‘ and Merchandizes of other Strangers beyond
 ‘ Sea, their Correspondent’s Friends or Relations,
 ‘ either in Friendship, to the great Detriment of
 ‘ her Majesty’s Customs, and Trade of the native
 ‘ Subjects : A Practice which was offer’d to be
 ‘ prov’d before their late Majesties and the Lords
 ‘ of the Treasury : Which Reasons did influence
 ‘ the Judgments of our Ancestors, as appear’d by
 ‘ the Statutes of 1 *Hen.* 7. c. 11. 2 *Hen.* c. 14.
 ‘ 22 *Hen.* 8. c. 8. 11. That the Duties of Pac-
 ‘ kage and Scavage of the Goods of all Mer-
 ‘ chants, as well Denizens as Aliens, were
 ‘ the indispensable Right and Inheritance of
 ‘ the Commonalty of the City of *London*,
 ‘ (as set forth in their Petition) let to Farm by
 ‘ Lease (wherein were about eighteen Years to
 ‘ come) for a Fine of 1000*l.* and the yearly Rent
 ‘ of 959*l.* and, among other Things, were by
 ‘ Act of Parliament charg’d towards the raising
 ‘ of

of 8000 l. per Annum for ever to the Orphans, and other Creditors of the said City; which Duties would be wholly lost, to its great Prejudice, and would render the Citizens incapable to support the Government of the same.

12. And in the last Place, That the Nation being then engag'd in an expensive, tho' necessary War, Taxes high, Trade obstructed, great Quantities of Woollen and other Manufactures, lay unfold. And as the Effect thereof, the several Prices of making them, being very small, many Families were destitute of Work throughout the Kingdom. What then, at such a Time as that was, could be the Consequence of inviting thither, by a General Naturalization, Multitudes of poor Foreigners, who would only employ themselves in Trade and other wise?

His Lordship ended with this Question, and was answer'd, however specious the foregoing Arguments were, by the Lord Halifax, who observ'd the Popularity and Captiousness of them, and alledg'd, That (as the Preamble of the Bill set it forth) the Increase of People, was the Means of advancing the Wealth of a Nation: Which Fundamental of sound Politicks, was abundantly verifi'd, not only in Prussia, Holland, and other Protestant Countries, that had vastly increas'd in Riches by the French Refugees settling there, but principally in Great Britain, where, by the Industry of the said Refugees, several new Mannfactures had been set up, and others improv'd, to the great Advancement of Trade, and the total turning the Ballance thereof, to the Prejudice of France, and Benefit of the British Nation. That besides the Improvement of Commerce, the French Refugees had greatly contributed towards

the Support of the Revolution Settlement, by putting the best Part of their own Substance, and of their Friends and Relations Abroad, into the Publick Funds; (of which, they had a fresh Instance in their subscribing near 500000 l. into the Bank of England) insomuch, that by a modest Computation, the Refugees were reckon'd to have above two Millions Sterling in the Government. That as they could not be suppos'd to have brought one half of that Money into England, so it was Prudente to divert the Thoughts they might have upon the Conclusion of the War, to carry their vast Gains Abroad, which would very much lessen the current Cash and Credit of Great Britain, by granting them the Advantages and Privileges enjoy'd by her Majesty's natural-born Subjects; which would not only invite to settle in that Kingdom, but likewise bring over such of their Friends and Relations, as might hope to inherit their Estates. That the French Refugees had at all Times, in their several Stations and Callings, given signal Proofs of their Love for the happy Constitution of the said Kingdom, and of their Zeal and Affection for the Government; and, in particular, such of them as had military Employments, which they had discharg'd both in the late and present War, with distinguish'd Bravery and Conduct. That the War had already consum'd such a vast Number of Men, that it was highly necessary to supply the Loss with Foreigners, whether the War continu'd, which would still increase the Scarcity of Men, or whether it was drawing to a Period; in which Case, a great Number of Hands would be requisite, to carry on the Manufactures. And, in short, that all the Objections against a Naturalization, are grounded upon the false Suppositions, That Foreigners would ever continue, and

be look'd upon as such; which was sufficiently confirmed by past and daily Experience.

Upon the whole, it was resolv'd, that the Bill should pass, and be return'd to the Commons, with their Lordships Concurrence, which was done accordingly; so that it had the Royal Assent by Commission some Time after.

When now, that memorable Year 1709 came on, wherein it was to be decided, whether the Resistance of the supream Power, in Cases of Male-Administration, were lawful, *i. e.* whether the Measures for bringing about the late Revolution, were justifiable, or whether the Parliament had any Right to alter the Course of Succession that was Hereditary. The outed Ministry, that had try'd all Means to repossess themselves of their former Posts, without Success, at last pitch'd upon a more fortunate Expedient, by which they compass'd their Ends. The Clergy not only had it in Direction from 'em to Preach up the Danger the Church of England lay under from the Encouragement that was given to Separatists from their Communion, from the Act of Toleration, &c. but to give out from the Pulpit, that the old exploded Doctrine of Passive-Obedience, was almost the *Unum Necessarium*, by which Damnation was to be avoided. Amongst these, one Dr. Sacheverell, a Person that had made himself famous in the University of Oxford, for Discourses of the like Nature and Tendency, and had some Time before signaliz'd himself by inveighing against the Dissenters in a Sermon at the Assizes held at Derby, was recommended to the Bishop of London, to be put up by him on the 5th of November, as the Preacher on that solemn Occasion, before the

the Lord Mayor of the said City, at St. Paul's Cathedral. Nor did the Doctor fall short of the Expectations which his Friends conceiv'd of him, insomuch, that upon the coming out of the said two Sermons in Print, the Bait intended thereby, was so very greedily swallow'd, that by the Instigation of Mr. Harley, the late Secretary of State, who pretended to be in their Interest of the Party call'd Whigs, complaining of it to the House of Commons, it was instantly resolv'd, 'That a Book, entitled, *The Communication of Sin*, being a Sermon preach'd at the Assizes held at Derby, August 15. 1709, and a Book entitled, *The Perils of False Brethren*, both in Church and State, set forth in a Sermon preach'd before the Right Honourable the Lord Mayor, Aldermen, and Citizens of London at the Cathedral Church of St. Paul, on the 5th of November 1709, were malicious, scandalous, and seditious Libels, highly reflecting on her Majesty and her Government, the late happy Revolution, and the Protestant Succession, as by Law establish'd, and both Houses of Parliament; tending to alienate the Affections of her Majesty's good Subjects, and to create Jealousies and Divisions amongst them.' In pursuance of which, the Doctor was summon'd before them, heard at the Bar of the House of Commons, and order'd to be impeach'd of High Crimes and Misdemeanors before the Lords; amongst whom, tho' the Lord Halifax gave it as his Opinion, that the Commons had made good every Article against him, yet his Lordship was so tender of the Person found guilty, that he seconded the Duke of Argyle for a much milder Punishment than some in that August Assembly,

Assembly, particularly the late Lord Marquess of *Warton*, would have had inflicted upon him. Accordingly his Lordship, who spoke but little during the whole Tryal, except as to Parliamentary Forms, had the Honour to see his Sentiments adher'd to by a great Majority of the Peers, and the Issue of it terminate in silencing the Doctor for three Years, and burning his Sermons by the Hands of the common Hang-man.

The Consequence of this Tryal, according to his Lordship's Judgment, in a secret Committee at the Lord Treasurer *Godolphin's* House, before the Impeachment commenc'd, was, that the Queen chang'd Hands with her Ministers, and reinstated Messieurs *Harley*, *Harcourt*, *St. John*, &c. in Places of Trust about her, and to comply with Addresses from all Parts, in Vindication of her *Hereditary* Title, which was then set up in Opposition to her *Parliamentary* Right, issu'd out Writs to call a new Parliament, which was chosen to their Desires, and the Courtiers Wishes; tho' the Lord *Halifax* did what in him lay, to prevent the Effects of the Interests they were making in the several Countries, and even condescended to publish the following Queries, written with his own Hand, to stem, if possible the Tide that was then running high against the Party which he was inseparable from. They were call'd *Seasonable Questions concerning a new Parliament*, in these Words:

Q. 1. ' Whether the Dissolution of this present Parliament, which so early, and in so ample a Manner, supply'd her Majesty to carry on the War against *France*, will not discourage the good People of *Great Britain*, and put
' them

‘ them under various Doubts and Apprehensions, as to future Consequences ?

Q. 2. ‘ Whether the great Numbers of such good Subjects, besides Foreigners, who have so liberally embark’d their Estates in the Government, will not be drawing out their Effects, if any such Dissolution should be ?

Q. 3. ‘ Whether those Persons now seemingly countenanc’d, are able to assist her Majesty so sufficiently as she has been provided for under the Administration of the present Ministry ?

Q. 4. ‘ Whether such Persons as shall advise her Majesty to dissolve this present Parliament, at such a Juncture of War, are not, in all Probability, likely to be call’d to an Account for the same, when a Time shall serve ?

Q. 5. ‘ Whether the *French King*, by his Plenipotentiaries, has not shewn a different Spirit as to the Peace, since our first Alterations began at Home ?

Q. 6. ‘ Whether the Allies are pleas’d with these Proceedings, and how far it may endanger their making a separate Peace ?

Q. 7. ‘ Whether the permitting Dr. *Sacheverell* to ride in Triumph from Place to Place, being convicted by the High Court of Parliament, is not the greatest Indignity that ever was, or can be acted against the State ?

Q. 8. ‘ Whether those Persons that have aided and abetted the Doctor in his Progress, may not justly be accounted Enemies to her Majesty and Government, tending only to raise Comotions in the Kingdom ?

Q. 9. ‘ Whether it may not be an Encouragement to the *French King* to throw in the Pretender upon you

you, in the Time of chusing a new Parliament, and who are most likely to come to his Assistance, the moderate Church-men and Dissenters, who acknowledge, and will stand by her Majesty's *Parliamentary* Right, or the High-flyers and *Sacbeverellites*, that will own no other but what is *Hereditary*?

Q. 10. ' If this Parliament should be dissolv'd, what Security can these new Advisers have, that a Majority of the same shall not be chosen again; and if so, then what Security can they have for themselves, that they shall not be answerable for embroiling the Nation, and distracting our Allies?

Q. 11. ' If this Parliament should be dissolv'd, and another chosen of a different Complexion, altho' they should give Funds for proper Supplies, how will the Money be rais'd, the People who have the great Command of Cash, being already so terribly dispirited?

Q. 12. ' Whether any Parliament was so dissolv'd, which granted every Thing that could be ask'd for the Benefit of the Prince and People; and whether her Majesty's last Speech did not express as much Satisfaction in what they had done, as in any preceding Parliament whatsoever?

Yet, notwithstanding the Conviction, his Lordship's Reasons, by Way of Question, against the Choice of a new Parliament, carry'd with them such a one was chosen as ran counter to all the Measures of the last; and his Lordship, by the Dismission of his Friends, the Earl of Godolphin, Sunderland, Wharton, &c. saw himself, tho' he held his Place by Patent for Life, again out of Favour at Court.

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As for the Debates which his Lordship had a Share in during the first Sitting of this pacifick Parliament, (for they went into all the Measures of the Court for the Conclusion of a Peace with France and Spain) we find few wherein he interested himself, except that concerning the Bill to appoint Commissioners to examine the Value of all Lands, &c. granted by the Crown since the 13th of February 1688. Now, as this Bill seem'd to be directly levell'd against the Friends and Favourites of the late King William, to whom his Lordship ow'd the best Part of his Fortunes, so his Lordship, who had warnly oppos'd it the first and second Reading, stood up after it had been read a third Time, and said, after a large Encomium upon his late Royal Master, ' That ' if, for the Ease of the Publick, it was found proper to resume the Grants of the Crown, he would ' readily give his Vote for it, provided they ' would go so far back as the Restoration of King ' Charles Ild. But that he could not agree to ' limit the Bill to the Grants of King William, ' because such an Act would be injurious to the ' Memory of a Prince who was the Deliverer of ' all Europe, and who ought to be had in Reverence by all honest Men." He likewise spoke against the partial Distinction between Grants since the Revolution, and those before it; adding, That such a Distinction gave too much Credit to a Ministry who, by the passing of the said Bill, would have the Means in their Hands to ruin and oppress those who had not the good Luck to please them. To this, the Earl of Oxford, Lord High Treasurer, answer'd, That no one had Reason to be alarm'd at the Bill, since the Intent of it was only to examine the Value of the Grants

made

made by King William, and upon what Consideration they were given; but that, as it was presum'd, those that enjoy'd them, had render'd very signal Services to their Country, so it was not to be doubted, but the Parliament would confirm them. When the Lord Halifax readily reply'd, That it was also to be presum'd, that those who enjoy'd the Grants of King Charles II, and King James II, might have likewise done important Service to the Nation; wherefore it would be very proper to look into the Motives of all those Grants, in order to confirm them to those who had deserv'd them. Which shew'd Suggestion so puzzl'd those who were on the contrary Side, that the Earl of Oxford only observ'd, That he had been inform'd, that the Commons had no Design absolutely to resume the Grants of King William, but only to make the Possessors pay the Value of four or five Years Rent, for which they would have the said Grants confirm'd to them for ever. Hereupon, his Lordship, in his Rejoinder, very sarcastically said, That he would not at all call in Question what a Lord of such known Probity and Sincerity had advanc'd, but that the Resumption of all the Grants in Ireland, sufficiently shew'd, that the Commons had not been content with Part. After which, when the Question was put, whether the Bill should pass, it appear'd, upon the gathering of the Votes, that there were 78 Voices on each Side, viz. 52 present and 25 Proxies for the Affirmative, and 52 present and 26 Proxies for the Negative; so that the latter carry'd it, according to the Usage of Parliament, to the great Disappointment and Mortification of the Enemies of the Revolution.

Some Time after this, upon the News of the Duke of Ormond's declaring to the Prince of Savoy, and the rest of the Confederate Generals in Flanders, That he had receiv'd positive Orders from the Queen his Mistress, neither to agree to any Action against the Enemy, either by Battel or Siege, (which latter was, with much Difficulty, agreed to by the Interposition of the States-General's Minister, with the Court of St. James) the Lord Halifax acquainted the House of Peers, ' That ' he had Matters of Importance to lay before ' them, and desir'd that the Members of that ' Illustrious Assembly might be summon'd to ' attend the Service of the House the next Day; ' which being readily consented to, great, tho' various, was the Expectation of those Debates and Resolutions of the ensuing Day, among all Ranks and Parties, insomuch that some indiscreet ill Wishers to the then reigning Ministry, could not refrain whispering their Hopes, that the Lord High Treasurer would, in the Evening, be sent to the Tower of London; but that dexterous States-Man so bestirr'd himself at that critical Juncture, and made so many successful Nocturnal Visits, that he effectually defeated the Designs of his less vigilant and active Enemies.

The Peers being met in a full House, the Lord Halifax open'd the Debate, with taking Notice ' of the strange Declaration made by the ' Duke of Ormond, viz. That he had Orders not to ' act offensively against the Enemy; afterwards endeavour'd to shew the ill Consequences of such ' a Proceeding, and the Necessity of carrying ' on the War with the utmost Vigour, in order ' to obtain a safe, honourable, and lasting Peace; ' and in the Conclusion," made a Motion for
addressing

addressing the Queen, humbly to desire her Majesty to lay before the House the Orders she had sent to her General, and to request her to order him to act offensively in Common with the Allies. Several other Peers spoke to the same Purpose, and press'd the Lords in the Ministry to acquaint the House, whether any Orders of Restraint had been sent to the Duke of Ormond. Whereupon, the Lord Treasurer, who was the most concern'd, answer'd most of those Speeches; and, amongst other Things, assur'd the House, That Orders had been sent to his Grace to join with the Allies in a Siege; and that in a few Days, her Majesty, according to her Promise, would lay before them the Conditions on which a General Peace might be made; which he doubted not would give entire Satisfaction to every Member of that Assembly, and to all true English-Men. The Duke of Argyle likewise excus'd the Orders given to the Duke of Ormond, upon the uncertain Issue of a Battel; where, according to his Knowledge, Victory was still wavering, and so often chang'd Sides; and that he, who, after five or six successful Charges, thought himself sure of gaining the Day, had at last been routed, and put to Flight. He likewise said, That two Years ago, the Confederates might have taken Arras or Cambray, instead of amusing themselves with the insignificant Conquests of Air, Bethune, and St. Venant. The L. Halifax declar'd, on the contrary, That he could not comprehend why Orders had been given to that General not to fight, unless some certain Persons were apprehensive of weakening the French so far, as to disable them to assist them in bringing about Designs which they dar'd not then to own. The Duke of Devonshire alledg'd, on the same Side,

That by Proximity of Blood, he was more concern'd for the Duke of Ormond's Reputation, than any other; and therefore could not forbear declaring, that he was surpriz'd to see any one dare to make Use of a Noble-man of the first Rank, and of so distinguish'd a Character, as an Instrument of so ungenerous, and so unmanly a Proceeding. The Earl Poulet thereupon rely'd, on the Side of the Court, That no Body could doubt of the Duke's Bravery, but that he was not like a certain General who led Troops to the Slaughter, to cause a great Number of Officers to be knock'd on the Head in a Battel, or against Stone Walls, in order to fill his Pockets, by disposing of their Commissions. Which, could not but touch the Duke of M—— to the Quick; tho' at that Time he repress'd his Resentment, and remain'd silent. In fine, the Result of the Debate was, that the Lord Halifax observing the Disposition of the House to be in Favour of the Court, would have dropp'd his Motion, but the Friends to the Ministry being secure of a Majority, insisted to have the Question put for adjourning the Debate, which was carry'd in the Negative by 68 Voices against 40; twenty five of which last, enter'd the following Protest, accurately and significantly drawn up by the Lord Halifax.

I. We conceive such an Order as is propos'd in the Question, to be absolutely necessary, because we are fully convinc'd, that the Duke of Ormond does lie under some Order of Restraint from acting offensively, not only from the Accounts which are publick, both here and in Holland, of his declaring it to Prince Eugene, and to the Deputies of the States, at their

their last Consultation, when both Prince Eugene and those Deputies, earnestly press'd him to join in attacking the *French* Army, which was then known to be much inferior to that of the Allies, both in Number and the Condition of the Troops; but also, for that nothing of this whole Matter was deny'd by those Lords who have the Means of knowing these Facts; as undoubtedly would have been without Scruple, had not the said Facts been true, since no Scruple was made of acquainting the House with a subsequent Order, very lately sent to the Duke of *Ormond*, allowing him to join in a Siege; which is a farther Evidence, that he had before some Orders of Restraint; for otherwise, this last Order would be unnecessary, and absurd, it being a general, constant, and standing Instruction to every Commander in Chief, by Land or Sea, to do his utmost Endeavours to annoy the Enemy. And it is manifest, by this last Order, that even in the Opinion of the Ministers, it was expedient to take off this Restraint to some Degree; and the leaving the Duke of *Ormond* still under a Restraint from giving Battel to the *French*, seems most unaccountable, and inconsistent with the Liberty indulg'd to him of joining in a Siege, and renders it altogether useless: For no Place, when taken, can be of such Advantage to the Allies, as *Cambray*, which opens a free Passage for our Army into the Heart of *France*; and 'tis impossible to besiege that Place, without dislodging the *French* from their Ground. Other Attempts seem to be of little Use, but may serve to give the *French* Time, which they do not want still to improve.

II. ' We

II. We conceive it to be derogatory to her Majesty's Honour, to publick Faith, and to that Justice which is due to her Majesty's Allies; and 'tis a sort of imposing upon our Allies a Cessation of Arms, without their Consent, and in the most prejudicial Manner, because they were not so much as acquainted with it, and so might have been led into great Difficulties; besides that, it frustrates all essential Advantages against the common Enemy, which may be of fatal Consequence to this Nation, and all Europe.

III. Because it was acknowledg'd, that a general Peace was not concluded, as indeed it is very unlikely it should be, there having been no Answers in Writing given by the French, to the *Specifick Demands* of the Allies, tho' the same were deliver'd to the French three Months ago; and it was farther declar'd, that there was no separate Peace; nay, that such a Peace would be *foolish, knavish, and villainous*; and therefore, while we are in War, and have no Security of a Peace, we conceive that such an Order of Restraint is a plain Neglect of all those happy Opportunities which Providence might, and did lately put into our Hands, of subduing our Enemies, and forcing him to a just and honourable Peace: And surely it is imprudent and dangerous to rely on the Promises of *France*, which are so far from being any Security, that even a Peace will not be safe, in our Opinion, unless it be such as gives so full Satisfaction to the Allies, that they shall be willing to join with us in a mutual Guaranty of it.

IV. Her

IV. ' Her Majesty having, with great Wisdom, declar'd to this Parliament, that the best Means of obtaining a good Peace, is to make early Preparations for War, and a vigorous Prosecution of it: And since the Parliament has, with great Duty and Deference to her Majesty, and a just Zeal for the Interests of their Country, and of Europe, given very great Supplies for that Purpose, we conceive that such an Order of Restraint being very different from that Declaration of her Majesty, must be the Effect of very ill Advice; by which the Parliament's good Intentions will be defeated, and all those heavy Loads of Taxes which they have for so good Purposes chearfully given, render'd fruitless, and unnecessary; and may, in Conclusion, after having thus trifl'd away our Wealth and Time, bring us into the Necessity of accepting such a Peace as it shall please an insolent and domineering Enemy to give us.

D. Devonshire,

E. Wharton,

E. Derby,

E. Nottingham,

L. Rockingham,

L. V. Townshend,

B. W. Oxon,

D. Marlborough,

L. Cowper,

D. Rutland,

D. Montague,

L. Gilbert Sarrum,

E. Bridgwater,

L. Haversham,

B. John Bangor,

E. Godolphin,

M. Dorchester,

D. Bolton,

E. Carlisle,

E. Oxford,

D. Somerset,

L. Mahon,

B. St. Asaph,

E. Scarborough,

L. Halifax.

The

The last mentioned noble Peer also, when the Queen had communicated the Terms on which a Peace might be had, to both Houses of Parliament, and a Motion was made in the House of Lords for an Address of Thanks for her most gracious Speech, and for her extraordinary Condescension in communicating to her Parliament the Terms upon which a general Peace might be made; and to express the entire Satisfaction of that House, in her Majesty's great Care, for securing the Protestant Succession in the House of Hanover, and for her Majesty's steadily pursuing the true Interest of her own Kingdoms, and for endeavouring to procure to her Allies what was due to them by Treaties; and to assure her Majesty, that the said House did entirely rely on her Majesty's Wisdom, to finish that great and good Work, mov'd, that at the Close of the foregoing Motion for an Address, these Words might be added: *And in order to that, to pray her Majesty to take such Measures in Concert with her Allies, as might induce them to join with her Majesty in a Mutual Guaranty.* Upon which, the Earls of Oxford and Strafford said, it shew'd a Diffidence in her Majesty, after they had agreed to tell her, that they entirely rely'd upon her. But they were reply'd to in the Manner following, by his Lordship.

My Lords,

'The two noble Persons that have oppos'd the Clause of Guaranty, which I took the Liberty to offer, may, perhaps, have greater Interest with her Majesty, but cannot have greater Zeal for her Honour and Service, than I have, who submit it to your Lordships Judgment,

ment, whether it be not necessary to have the Security propos'd of a general Guaranty : The rather, because I humbly conceive the Terms of Peace, that are offer'd, have proceeded from a separate Negociation, carry'd on by the Ministers with *France*, without any Communication thereof to the principal Allies, particularly the States, as they say in their Letter to her Majesty, (*whose Interest her Majesty was pleas'd to declare to this Parliament, she look'd upon as inseparable from her own :*) And I also conceive this Negociation to be contrary to those Orders which her Majesty declar'd to this House, in Answer to our Address, ' That she had given to her Plenipotentiaries at *Utrecht*, to concert with those of her Allies : And the Resolution express'd in her Message, *January 17, of a strict Union*, in which, *she propos'd to join with them, in order to obtain a good Peace, and to guaranty and support the same*, as she had before declar'd in her Speech at the Opening of this Session, *That she would unite with them in the strictest Engagements for continuing the Alliance, in order to render the General Peace secure and lasting ;* and contrary to the eighth Article of the Grand Alliance, which expressly obliges all the Allies not to treat, unless jointly, and with the common Advice of the other Parties.

' Your Lordships will likewise give me Leave to fear, that the Refusal of these Words propos'd to be added, may be look'd upon by the Allies, as if this House approv'd this Method of transacting with *France*, which may seem to them to tend to a separate Peace, of which her Majesty has declar'd her Dislike ; and which one

of the Noble Peers, who is so zealous on the
 contrary Side, has acknowledg'd in this very
 House, to be foolish and knavish, and may be
 of pernicious Consequence to this Kingdom,
 by preventing that Guaranty of Peace by the
 Allies, which is so absolutely necessary for
 their mutual Security, and leave us expos'd to
 the Power of *France*, there being little Reason
 to expect their future Help, after such a
 gross Breach of Trust.

And I farther conceive, That such a sepa-
 rate Proceeding, may create in the Allies so
 great a Distrust, as may tempt them to take
 the like Measures, and to give the *French* Op-
 portunity to break that Union, which has
 hitherto been so useful to us, and formidable
 to them: Any Appearance whereof, must en-
 courage *France* either to delay the Conclusion
 of a Peace, or to impose upon the Allies in
 the farther Progress of the Treaty.

A perfect Union among the Allies, seems
 to me to be more necessary in the present
 Case, because the Foundation upon which all
 the Offers of *France*, relating to Great Britain,
 as well as to the Allies, are built, viz. A
 Renunciation of the Duke of Anjou to that King-
 dom, is, in my Opinion, so fallacious, that no
 reasonable Man, much less whole Nations, can
 ever look upon it as any Security. Experience
 may sufficiently convince us, how little we
 ought to rely upon the Renunciations of the
 House of *Bourbon*; and tho' the present Duke
 of *Anjou* should happen to think himself bound
 by his own Act, which his Grand-father did
 not, yet will his Dependants be at Liberty to
 say, That no Act of his could deprive them of
 their

‘ *their Birthright*; and especially when it is
 ‘ such a Right, as, in the Opinion of all *French*
 ‘ *Men*, ought inviolably to be maintain’d by
 ‘ the fundamental Constitution of the Kingdom
 ‘ of *France*.

‘ Moreover, with deference to better Judg-
 ‘ ments, I humbly think it unsafe to depend
 ‘ upon this principal Part of the Treaty’s *execu-*
 ‘ *ting it self*, by supposing that it will be the
 ‘ Interest of *France* to support it, since on the
 ‘ contrary it is manifest by the *French* Endea-
 ‘ vours, ever since the *Pyrenean* Treaty, to unite
 ‘ the Monarchies of *France* and *Spain*, they look
 ‘ upon that Union to be their greatest Interest,
 ‘ and the most effectual Means of establishing
 ‘ the Universal Monarchy in the House of
 ‘ *Bourbon*.

‘ And, if it were reasonable to imagine, that
 ‘ the two Crowns of *France* and *Spain* should
 ‘ remain in distinct Branches of the House of
 ‘ *Bourbon*, yet this is contrary to the Grand
 ‘ Alliance it self, which recites the Usurpation
 ‘ of the *Spanish* Monarchy by the *French* King,
 ‘ for the Duke of *Anjou*, as the principal Cause
 ‘ of this War.

‘ As to *Port-Mahon*, *Gibraltar*, the *Assiento*,
 ‘ and the other Advantages to *Britain*, propos’d
 ‘ by *France*, (besides that they are all precarious,
 ‘ and in the Power of *France* and *Spain* to take
 ‘ from us when they please) considering the
 ‘ Situation of those Kingdoms, and the vast
 ‘ Wealth and Strength which will be left to
 ‘ them, I cannot but think it impossible for
 ‘ any Man to look on these as a fit Compen-
 ‘ sation to *Britain*, in any Degree, since the
 ‘ leaving *Spain* and the *Indies* in the Possession

of the House of *Bourbon*, besides other manifestly fatal Consequences, must be extremely prejudicial to our Woollen Manufacture, if it does not entirely ruin it.

As to the Demolition of *Dunkirk*, tho' I must own it will be a great Safety to our Home-Trade, yet there is Reason to apprehend, by what has been said in the Debate, that it is not yet agreed to be demolish'd, without an Equivalent for it to the French King's Satisfaction.

And in all the Particulars relating to the Allies, tho' they are not perfectly adjusted, yet, by what does appear concerning them, the Allies are likely to be left in such a State of Insecurity, as is absolutely inconsistent with our own Safety.

The *Rhine* is propos'd for a Barrier to the Empire, which leaves *Strasburgh* and *Huninghen* in the Hands of the French King; the former of which, has always been look'd on as the Key of the Empire.

The Proposals of *France*, relating to the Barrier for the States-General, not only deprive them of all the Places taken since the Year 1709, but also of two or three Places more, included in the Demands made by the States in that Year, which will render their Barrier wholly insufficient, and consequently very much weaken the Security of *Britain*.

Portugal seems to be wholly abandon'd to the Power of *Spain*, notwithstanding the great Advantages we have receiv'd this War by our Trade with that Kingdom, which might still be extremely beneficial to us.

Upon

Upon the whole, there is so very little
 and inconsiderable a Difference between these
 Offers of *France*, and those made at *Utrecht*,
Feb. 11. N.S. and sign'd *Huxelles*, (as appears
 upon comparing them together) that both
 seem to be the Effect of a secret and titular
 Negotiation with *France*, this House having
 unanimously concurr'd in expressing their Re-
 sentiment at those Terms offer'd to her Ma-
 jesty, and her Allies, by the Plenipotentiaries
 of *France*, and her Majesty having graciously
 accepted our Address, and rewarded that
 Duty and Zeal with her hearty Thanks, we
 should not in Respect to her Majesty, or Justice
 to our Country, retract that Opinion, nor
 think the Terms now good for us and our
 Allies, or give any seeming Approbation of
 them, which then were receiv'd by this House,
 and all the Allies, with Scorn and Detestation.
 For these Reasons I am fix'd in my Opi-
 nion, notwithstanding all that has been sug-
 gested in behalf of them, that the Offers of
France are fallacious and ensnaring, no way
 proportion'd to the Advantages which her
 Majesty (from the great Successes which it
 has pleas'd God to bless her and her Allies
 with, during the whole Course of this War)
 might justly expect for her own Kingdoms,
 and for them; very insufficient for preserving
 a Balance of Power in *Europe*, for the future
 Security of her Majesty and her Allies, tho'
 they should be never so exactly perform'd:
 And yet, even such as they are, there is no
 effectual Security offer'd for the Performance
 of them; which makes it absolutely necessary,
 as I conceive, that such Measures should be
 taken,

'taken, in Concert with the Allies, as may induce them to join with her Majesty in a mutual Guaranty.

Thus spoke this great and good Man, for the Honour and Security of his Country, and the Preservation of the whole Confederacy; but the Question being put, *Whether the Clause should be added*, it was resolv'd in the Negative, by 81 Voices against 36. The Reason of this great Majority being then said to be, *first*, because the Proxies, of which the *Whig-Lords* had more than the other Side, were not call'd for; and *secondly*, because several Peers, upon what Considerations I know not, did not think fit, on that Occasion, to vote against the Court.

Having accidentally omitted a very material Debate in Parliament, wherein the Conducts of the Earls of *Peterborough* and *Galway* were examin'd, in order to give the Thanks of the House of Peers to the former, I must ask Leave of the Reader to insert it here, though upon the Anvil in the Year 1711, because the Lord *Halifax*, particularly distinguish'd himself therein. The Proceedings were as follow. The Lords having resolv'd to enquire into the Management of the Affairs of *Spain*, upon a Motion made by the Duke of *Beaufort*, made Application to the Queen, that the Earl of *Peterborough's* Journey to *Vienna*, might be deferr'd for some Days, that they might make use of such Lights and Informations as he was able to give them concerning those Affairs. Which being granted, they went into a Committee of the whole House, the Earl of *Abington* in the Chair; who put five Questions to the Earl of *Peterborough*, to
which

which his Lordship return'd distinct Answers, containing in the main, a Relation of the Facts and Passages publish'd some Years before by Dr. Friend, a Physician who attended his Lordship in Spain, in a Book, entitled, *An Account of the Earl of Peterborough's Conduct, &c.* wherein that Lord's Management was fully justify'd, and highly extoll'd, not without some glancing Reflections on the other Generals in Spain, particularly the Earl of Galway and the Lord Tyranny, who were order'd to appear before them. Accordingly the two Lords, (for the first of which, a Chair was plac'd, by reason of his Age and Infirmities) came to the Bar of the House, and the Earl of Galway was ask'd by the Chairman, to give the Lords an Account of what he knew concerning the Affairs of Spain. Upon which, his Lordship having excus'd his Deficiency in not expressing himself so properly as he could wish, in the *English* Tongue, gave the House an ingenious Account of his Conduct, from his first setting out for Portugal, 'till the Time he was recall'd; with which the Lords appear'd to be well satisfy'd. And, as he said, his Memory might have fail'd him in several important Particulars, he desir'd that he might be allow'd to give in Writing, what he had deliver'd by Word of Mouth, which was granted. As for the Lord Tyranny, he being desir'd to speak what he knew about the same Affairs, and not knowing the Drift of such an Enquiry, but rather suspecting his own Reputation might be concern'd, stood upon the Reserve, and said, That when he was in the Army, he kept no Register, and carry'd neither Pen nor Ink about him, but only a Sword, which he us'd the best he could upon Occasion; and that all he

knew

knew in general, was, that they always acted according to the Resolutions of the Councils of War. When the Lords Galway and Tyrawley were order'd to withdraw, and several Peers, in particular the Duke of Marlborough, spoke in favour of the former, and said, ' That it was somewhat ' strange, that Generals who had acted to the ' best of their Understandings, and had lost their ' Limbs in the Service, should be examin'd ' like Offenders, about insignificant Things, and was back'd by the Lord Halifax, who declar'd, That the Esteem which the late King William had for that great and good Man, who had distinguish'd himself on so many eminent Occasions in Ireland, Savoy, &c. for the Service of a Country which he had left his own native Land to be assistant to, in Times of Distress, should always incline him to his Side.

After reading the Earl of Galway's Papers, the next Sitting of the Committee, and giving the said Earl a Copy of the five Questions put before to the Earl of Peterborough, and of his Lordship's Answers to them, the Chair-man of the Committee ask'd the Lord Tyrawley, *Whether he was willing to communicate to the Lords, what he knew concerning the Council of War held in Valencia on the 15th of January 1707, N. S. To which he answer'd, ' That the Reason why ' he had been so shy of speaking the Friday before, ' was, because he thought himself accus'd, and ' as his Doubt still continu'd, and no Body was ' oblig'd to accuse himself, he desir'd to know ' whether he was accus'd or no? And if he ' was, he requested a Copy of the Accusation, ' that he might put in his Answer. Hereupon the Duke of Argyle said, That the Lord Tyrawley's*

Question was improper, and that he ought to answer such Questions as should be put to him by the Chairman. But the Lord Tyrawley insisting, 'That if he were accus'd, he ought to make his Defence according to the Forms of Courts of Judicature. The Earl of Peterborough said, *That the Lord Tyrawley was a gallant Man; but that as it commonly happen'd, he might have been sway'd by the Opinion of his Superiors.* Whereupon the Chair-man told him, *He was not accus'd.* Notwithstanding this, the Lord Halifax said, 'That the Lord Tyrawley's Question was not altogether ill-grounded; for that any Thing that tended to a Censure, might be look'd upon as an Accusation; and that the House of Peers, being the supream Court of Judicature, they ought to observe the Forms of Justice, as well as inferior Courts. A Debate being likely to ensue thereupon, the Duke of Buckinghamshire mov'd, *That the Persons at the Bar might withdraw;* which they did, and then his Grace complain'd of the Earl of Abingdon's saying to the Lord Tyrawley, *That he was not accus'd.* Thereupon the Lord Halifax said, 'They were entering upon a large Field: That this Business had taken up much of their Time three Years before, to very little Purpose: That the Council in *Valencia*, was a Point of no Weight or Consideration; but that if it was made to be the Cause of ill Measures, the Lord Tyrawley was involv'd in the same Accusation with the Earl of Galway. Then the Earl of Abingdon justify'd his Assertion, viz. *That the Lord Tyrawley was not accus'd;* urging, *That it was impossible he should; because the House of Peers only judg'd, but never accus'd.* After which, the Duke of Argyle,

in Answer to the Lord Halifax, aver'd, That three Years ago they enquir'd how Spain had been got, but now they enquir'd how it came to be lost; and that they were only enquiring, and not accusing. To whom his Lordship again reply'd, That he could not perceive the Tendency of such an Enquiry; but if they design'd to censure Persons who had acted to the best of their Understandings, they would have no Body to serve them; and that it appear'd, by General Stanhope's Letter to Mr. Secretary Hedges, that the Council held in *Valencia*, was unanimous in four Points, and did not debate the fifth, which they left to be determin'd by the subsequent Councils of War. Hereupon the Earl of Peterborough mov'd, That the said Letter might be read; which being done accordingly, the Lord North and Grey said, That the Lords Galway and Tyrawley having been possess'd with an Opinion, that they were accus'd, they ought to be given to understand that they were not. To this, the Lord Halifax added, That they ought to declare clearly and plainly, whether this was an Accusation or no: That the Reputation of Men of Honour, was their Liberty and their Property: That consequently, if this Enquiry tended to censure the Reputation of the Lords Galway and Tyrawley, by what Name soever it might be call'd, it was an **Accusation**; and they might ask to have it in Writing, and ought to be allow'd Time to make good their Answers. Adding, He did not speak so much in Favour of those two Lords, as for the Honour of that illustrious Assembly. To this, the Duke of Buckinghamshire made Answer, That the Lord Tyrawley's Question was improper:

That

That if all who were summon'd to the Bar of the House, in order to be examin'd, should ask the same Question, they could never proceed in any Enquiry, or come to the Knowledge of any Thing : That the Lord Tyrawley was as cautious and reserv'd, as if he knew he was really accus'd : That the Friday before, he remember'd nothing, and now he wanted to know whether he was accus'd, or not : That the Lord Galway had acted fairly, like a Man of Honour : That the Lord Tyrawley ought to do the same; but if he refus'd, they could not force him to it : That the reading of Letters, was irregular, before they had examin'd him : And that the Chair-man ought to ask him peremptorily, Whether he would tell the Lords what he knew about the Council held in Valencia ? Hereupon the Duke of Marlborough mov'd, ' That the Lords Galway and Tyrawley might be told, That they were not accus'd ; and that the Council in Valencia, was only to give Light into the subsequent Operations of the Campaign. To which, the Earl of Rochester answer'd, That tho' it had been alledg'd, that Reputation was as dear to them, as Liberty and Property, yet the Lords ought not to tie their Hands, by telling them whether they were accus'd or not. In a Word, the Result of the foregoing Debate, was, that the Question was put by the Chair-man to the Lord Tyrawley, Whether he would inform the House what he knew about the Council of War held in Valencia ? Which his Lordship consented to; and in his Account of it, speaking about the Battle of Almanza, and being interrupted by the Earl of Nottingham, who told him, He was not examin'd about the Battle of Almanza, the Lord Halifax averr'd, ' That what he said, was very proper, since the Battle

of *Almanza* was a Consequence of the Council of War held in *Valencia*; which was agreed to by the Committee.

After this, the Earl of *Peterborough's* Papers were examin'd into, as also *Dr. Friend's* Book; to the Veracity of which, the said Author was sworn; in Consequence of which, the Earl of *Abingdon* read the Question that had been given in by the Lord *Ferrers*, viz. Resolv'd, that the Earl of *Peterborough* has given a very faithful, just, and honourable Account of the Councils of War in *Valencia*. This Question occasion'd a Debate that lasted above an Hour, wherein the Lord *Halifax* excepted against the Word *Just*, because the Earl of *Galway* had declar'd he had some Remarks to make on the Earl of *Peterborough's* Recapitulation, but said he readily agreed to the Word *Honourable*. At last the Question being put, the Lords divided, and Tellers being appointed, 59 were for the Affirmative, and 45 only for the Negative.

When the Affairs of *Spain* came a second Time under the Consideration of the Peers, an Officer was sent to know whether the Earl of *Galway* attended, and the House being inform'd he did not, the Earl *Poulet* made a long Speech, wherein he represented, That the Nation having for many Years been engag'd in an expensive War, it was necessary to give the People the Satisfaction, to let them know how their Money had been spent, and who deserv'd Thanks, and who to be blam'd: That it appear'd the Service of *Spain* had been very much neglected: That many Officers upon that Establishment, look'd on their Employments as *Sine-Cures*, being Favourites of the Party: And that the Council held in *Valencia*, being the Spring of all

our

our Misfortunes, be mov'd, ' That the Earl of
 ' Galway, Lord Tyrawley, and General Stanhope,
 ' insisting at a Council held in *Valencia*, some
 ' Time in *January 1707*, in the Presence of the
 ' King of *Spain*, and the Queen's Name being
 ' used in Maintenance of their Opinion, for an
 ' offensive War, contrary to the King of *Spain's*
 ' Opinion, and that of all the General Officers
 ' and Publick Ministers, except the Marquess
 ' *das Minas*; and the Opinion of the Earl of
 ' Galway, Lord Tyrawley, and General Stanhope,
 ' being pursu'd in the Operations of the follow-
 ' ing Campaign, was the unhappy Occasion of
 ' the Battle of *Almanza*, and one great Cause
 ' of our Misfortunes in *Spain*, and of the Disap-
 ' pointment of the Duke of *Savoy's* Expedition
 ' before *Toulon*, concerted with his Majesty.
 Hereupon the Duke of *Bedford* deliver'd in a
 Petition of the Earl of Galway, which was read,
 importing, That being inform'd that Matters which
 very much concern'd him, were in Agitation against
 him in that House, he pray'd their Lordships to
 give him Time to put in his Answer, before they
 came to a Determination. The Marquess of *Dorchester*
 deliver'd also a Petition from the Lord Tyrawley,
 to the same Effect. Upon which, the Duke of
Buckinghamshire said, That the Petitioners might
 think themselves accused, which could not be; for
 the Peers never accuse, and only give Orders to the
 Attorney-General to prosecute: That altho' every
 Body might have Access to their Journals, because
 they were a Court of Record; yet no Inquest could
 take Notice of any Thing that pass'd, or was de-
 pending in the House: That at that Rate, any
 Body might put a Stop to their Proceedings: That
 he did not, however, blame Men that were under
 the

the Apprehensions of being accused, for presenting such Petitions; but that they ought to take no Notice of them, and proceed according to the Order of the Day, to the Consideration of the State of the Nation. In Answer to this, the Lord Halifax said, ' That as a Censure might ensue upon Earl Poulet's Motion, the Lords Galway and Trawley had Reason to petition for Time to make their Defence. To which, the Earl of Rosbefer having reply'd, That he never heard of a Petition of that Nature: That the Petitioners desir'd, in Effect, to be heard upon the Debate of the Lords, which was improper: That no Body then knew, or could tell what the Question was; but That after it was known, it might then be proper for them to put in their Petitions; concluding, That they ought not then to be receiv'd. Hereupon the Lord Halifax took him also up, and said, ' That the Petitions were neither improper, nor given in at an improper Time: That it would be too late for the Petitioners to apply to the Lords, after they were come to a Resolution: That he hop'd it would never be found in the Journals of that House, that when the Lords were going to proceed to a Censure, they refus'd to hear those that were to be affected by it: That the Lords Galway and Trawley had a Right to be heard, and clear the Matters of Fact, as Subjects of Great Britain: That the Lords ought, besides, to be cautious how they proceeded in Enquiries of Things done before the Act of Oblivion and Indemnity: Concluding, ' That it was but natural Justice, that Men in Danger of being censur'd, should have Time to justify themselves. His Lordship was likewise back'd by the Lord Comper,

who

who declar'd, ' That the Debate about the
 ' Affairs of Spain, was adjourn'd to that Day;
 ' and therefore it was improper to take Notice
 ' of Earl Poulet's Motion in the House; but that
 ' it might be consider'd in the Committee:
 ' That as to the two Petitioners, it was reason-
 ' able and proper to grant them Time to put
 ' in their Answers, because the Question tended
 ' to censure them, which they did not know
 ' before, when they were only examin'd: And
 ' that in Things *essential* to Justice, the ordi-
 ' nary Forms of Courts of Judicature ought to be
 ' preserv'd. Then the Duke of Shrewsbury say-
 ' ing, when Earl Poulet alledg'd, *That the Design*
 ' *of the Petitions was only to occasion Delays*, That
 ' if they were ready to be heard, he consented they
 ' should, provided they deliver'd nothing in Writing that
 ' might occasion Delays; the Lord Halifax stood up,
 ' and said, ' That out of an Affectation of avoid-
 ' ing Delays, and of not going fast enough, they
 ' went so fast, that they must come back: That
 ' the Petitioners had indeed been examin'd, but
 ' were not heard to the Question propos'd by
 ' the Earl Poulet; and that the Lord Trawley
 ' was even interrupted by the Earl of Peter-
 ' borough, when he began to speak of the Battle
 ' of *Almanza*. Pray my Lords, added he, proceed
 ' according to Rules of Justice. When Sir George
 ' Rook was call'd in Question, he was heard for
 ' three Days together: What, will you not hear these
 ' two Lords, before you pass a Resolution that touches
 ' their Reputations? For my Part, when I hear these
 ' Arguments, I could stop my Ears. Yet, notwith-
 ' standing all his Lordships Arguments in Behalf
 ' of receiving the Petitions, the Question being
 ' put, whether they should be rejected, it was
 ' carry'd

carry'd in the Affirmative, by a Majority of 57 Voices, against 46 that were for the Negative.

In a Word, as the whole Purport of these Debates were to do Honour to the Earl of Peterborough, by censuring the other chief Commanders in Spain, and mortifying the Duke of Marlborough, by giving the said Earl the Thanks of their House, when his Grace was to go without them, so it will take up too much of the Reader's Time, to go through the whole *Seriatim*. I shall therefore only take Notice, that in the Close of this Day's Consideration of the Affairs of Spain, which was the second wherein their Lordships were engag'd upon that Subject, the Earl of Peterborough having often mention'd his INSTRUCTIONS for treating about the Siege of Toulon, the Lord North and Grey mov'd, That those Instructions might be produc'd; but the Earl of Rochester alledging it could not be done without the *Queen's Leave*, the Lord North and Grey reply'd, *They might present an Address to her Majesty for that Purpose*; which being wav'd by the Duke of Buckinghamshire, his Lordship that spoke before him, acquiesc'd; tho' 'tis remarkable, that the Earl of Peterborough said, *That Mr. Secretary had Testernight been order'd to attend, and be examin'd about the Matter*; whereupon the Lord Halifax desir'd, *That the Lord Peterborough's Letter to Mr. Secretary Hedges, might be left upon the Table*: Adding, *That since the Duke of Savoy was for an offensive War in 1706, he wonder'd how it could be a Crime in 1707!* To which, the Earl of Nottingham reply'd, *That the Earl of Peterborough's Letter ought not to be left on the Table; and that no Inference, could be*

more unnatural, than to say, That because the Duke of Savoy was for an offensive War in 1706, he must be of the same Opinion in 1707. When the Lord Halifax insisting on having the Earl of Peterborough's original Instructions, the Chairman put him in Mind of what had been already suggested, viz. That there might be some Secrets in them, not proper to be made publick. To which, his Lordship again reply'd, ' That the 'arguing upon a Probability, when there might 'be a Certainty, shew'd the Necessity of calling 'at least for that Part of the said Instructions 'as related to the Matter in Hand; urging, 'That Toulon might be mention'd in them, but 'that it was material to know in what manner it was mention'd. To cut off this Gordian Knot, the Duke of Argyle said, That even supposing no Mention was made of Toulon, in the Earl of Peterborough's Instructions, yet it appear'd very plainly, that he had concerted that Project, from his Letter to Mr. Secretary Hedges, from Mr. Stanhope's Letter, and from the Earl of Galway's Confession. Then the Earl of Scarfsdale complaining of Delays, and some Lords insisting on the same Thing, the Lord Halifax answer'd them, adding, ' He design'd to make all Delays necessary to get a right Information; declaring, ' That the Earl of Peterborough himself had desir'd, that Mr. Secretary Hedges might be call'd in and examin'd. Hereupon the Earl of Peterborough explain'd what he had said about Sir Charles Hedges; averring, He only mention'd him about the Letter his Lordship wrote to him in French. But nevertheless the Lord Halifax insisted on the Necessity of having that Earl's Instructions laid before them; alledging, ' That since

‘ new Papers were daily produc’d towards that Enquiry, why not those Instructions, which were as material as any of the rest?’ But the opposite Party calling to the Earl of *Abingdon*, to put the Earl *Poulet*’s main Question, it ended the Dispute of that Day, and was carry’d against the Earl of *Galloway*, Lord *Tyrarley*, and Mr. *Stanhope*, in the Affirmative, by 64 Voices against 43.

The next Question they went upon, in their third Days Debate, was one deliver’d in by the Earl of *Scarsdale*, in these Words: *That it appear’d, by the Earl of Sunderland’s Letter, (which had been just before read to the House) that the carrying on the War offensively in Spain, was approv’d and directed by the Ministers, notwithstanding the Design of attempting Toulon, which the Ministers knew at that Time was concerted with the Duke of Savoy, and therefore were justly to be blam’d for contributing to all our Misfortunes in Spain, and to the Disappointment of the Expedition against Toulon.* Now, it is to be noted, that the noble Person who mov’d this, had chang’d the Words *Cabinet-Council*, which he made Use of in a Motion made to the last Committee, into that of *Ministers*, in this, whereupon Exceptions were made by several Lords against it, tho’ the said noble Peer endeavour’d to justify himself, by saying, *He thought fit to alter the Question, because the Word Ministers, was better known than that of Cabinet-Council.* In answer to this, the Lord *Halifax* gave the Lords Committees to understand, with his wonted Perspicuity, ‘ That in his Opinion, the Word *Ministers* or *Ministry*, would run into the same Exception with *Cabinet-Council*: That they were
‘ both

' both Terms of an *uncertain Signification* : That
 ' there was besides, in the Question, the Word
 ' *Ministers*, in the Plural ; and therefore he
 ' mov'd, that the Earl of *Sunderland's* Letter
 ' might be again read, that it might appear
 ' whether one Minister only, or more, approv'd
 ' and directed an offensive War.' Which being
 ' read, it imported, in Substance, ' That he (the
 ' Lord of *Sunderland*) was sorry they three on-
 ' ly, meaning the Lords *Gallway*, *Tyrawley*, and
 ' Mr. *Stanhope*, were of that Opinion : That no-
 ' thing but Interest could incline others to the
 ' contrary : That the dividing the Army, would
 ' be the Ruin of all : That the Queen entirely
 ' approv'd what he (Mr. *Stanhope*) had done in
 ' the Council of War, as he would see more at
 ' large in the Inclos'd from the Lord Treasurer :
 ' That this was so much the Queen's Opinion,
 ' that she had written in the most pressing
 ' Terms to King *Charles* about it : That as for
 ' the Earl of *Peterborough's* Projects in *Italy*, the
 ' less Attention Mr. *Stanhope* gave to them, the
 ' better : That he sent him a Letter for the
 ' Earl *Rivers*, which he desir'd Mr. *Stanhope* to
 ' deliver him, if he took upon him the Com-
 ' mand of the Army, by the Lord *Galway's*
 ' giving it up ; which, however, the Earl of
 ' *Sunderland* hop'd he would not do. In which
 ' last Case, Mr *Stanhope* was desir'd to burn that
 ' Letter : ' Concluding, That the Lord Treasurer
 ' had settled the Remittances for the Army, &c.
 ' Hereupon the Lord *Halifax* continu'd his Dis-
 ' course, and said, ' That he could not find a
 ' Connection between the Premises (*viz.* the
 ' said Letter) and the Inference in the Question ;
 ' and therefore, if it should pass into a Resoluti-
 ' on,

' on, he would enter his *Protest*. After which,
 he insisted, ' That the Alteration made in the
 ' Question, ought to be explain'd; urging, that
 ' the Word *Ministers*, was of an uncertain Sig-
 ' nification; and *Cabinet-Council*, a Word un-
 ' known in our Law: That if that August
 ' Assembly proceeded to a Censure upon Men,
 ' the World ought to know who they were:
 ' That he hop'd, the Lord who propos'd that
 ' Question, would explain himself; and hop'd
 ' at the same Time, that if any Body were ac-
 ' cus'd, it would appear to be without Ground:
 ' That he had the Honour to be one of the
 ' *Ministry*, in being a Privy-Counsellor, and did
 ' not know whether it was design'd to involve
 ' him in the same Censure; but he protested,
 ' with the utmost Sincerity, that while he was
 ' in that Post, he gave his Advice, and acted
 ' to the best of his Understanding, and with an
 ' honest Intention to serve his Queen and Coun-
 ' try.' His Lordship having said this, the Earl
 of *Scarsdale* declar'd, *That he thought the Word Mi-*
nisters very proper, and that the Lord Treasurer
Godolphin was nam'd in the Earl of Sunderland's
Letter. The Earl *Poulet* likewise insisted, *That*
there was no Distinction between the Ministry and the
Cabinet-Council, since those who were of the Ca-
binet, were Ministers; it appearing to him, that the
Word Ministry, was more copious than Cabinet-
Council. To which, the Lord *Halifax* made a
 very ready Return, with great Presence of Mind,
 saying, ' That since the Word *Ministers* was more
 ' copious, it was therefore improper in that Case,
 ' because their Lordships ought to be sure whom
 ' they design'd to censure.' Hereupon, Earl *Poulet*
 averr'd, *This was the first Time that that nice Di-*
stinction

*distinction, between Cabinet-Council and Ministry, was made a Dispute, which look'd like a Delay. And the Earl of Ilay said, on the same Side, That 'twas improper and irregular, to take Notice in that Debate, either of the Addresses to the Queen, or of the Question propos'd before ; in both which, the Word Cabinet-Council was inserted: That 'twas true, this Word was not commonly known in the Law, neither was the Word Ministry, and therefore they ought to use a plain English Word: That he would mention an Instance at the Revolution, when a Word of an uncertain Signification, viz. Abdicate, occasion'd much Debate: That he wish'd, if the Question should pass with the Word Ministers, they would mention two Lords that had been already nam'd: — That he should be sorry to hear, or repeat the Sound ; — but, however, he thought it necessary to name them. To this, the Lord Halifax answer'd, ' That the mentioning the Address and former Question, was not improper: That ' they were stating the Signification of two synonymous Words of great Weight and Importance in that Case ; and therefore he desir'd, ' that the Address to the Queen might be read'. This being done accordingly, his Lordship added, ' That he wonder'd at the Method us'd upon ' that Occasion ; for he understood the Queen ' was desir'd to give an immediate Answer to ' that Address ; with an Intimation, That the ' House was sitting expecting her Majesty's Answer ; ' which was not usual.' At this, the Duke of Argyle said, He thought what the noble Lord that spoke last, had said, was accusing the House of doing an Uncivility to the Queen. Upon which, several Lords crying, Go on, go on, — the Lord Halifax said, ' That if their Lordships look'd in
their*

' their Books, they would find it not usual.' When Earl Poulet appealing to the House, *whether the Words* immediate Answer, *were ever mention'd?* the Duke of Buckinghamshire said, *He never heard any such Thing spoken; and if it had, he would rather have gone to the Tower, than have carry'd such a Message.* Upon which, the Lord Halifax excus'd what he had said, alledging, in Vindication of himself, ' That he was not in the House when ' the Address was sent, but had been told, that ' a Motion for an *immediate Answer* was made, ' which he believ'd was without a Precedent.

To put an End to the Dispute, several Lords call'd for the Question, and the Duke of Argyle having desir'd, *that when that Question was over, his Grace might be at Liberty to offer another,* the same was readily agreed to, and then the Earl of Abingdon put the Question in these Words; *That it appears by the Earl of Sunderland's Letter, that the carrying on the War offensively in Spain, was approv'd and directed by the Ministers, notwithstanding the Design of attempting Toulon, which the Ministers knew at that Time was concerted with the Duke of Savoy, and therefore are justly to be blam'd; for contributing to all our Misfortunes in Spain, and to the Disappointment of the Expedition against Toulon; which was agreed to by a Majority of 68 Lords against 48.*

After this, the Duke of Argyle's Question was put in the following Manner; *That the Earl of Peterborough, during the Time that he had the Honour of commanding the Army in Spain, did perform many great and eminent Services; and if the Opinion he gave in the Council of War at Valencia, had been follow'd, it might, very probably, have prevented the Misfortunes that have happen'd since in Spain.*

Spain. Which being agreed to, the Duke of Buckinghamshire said, *One Thing more ought to be done before they adjourn'd, which he was sure would be readily agreed to, viz. That the Earl of Peterborough have the Thanks of the House for his eminent and remarkable Services; and that the Lord Keeper return him the Thanks of the House immediately.* Accordingly the Motion was accepted, and the Lord Keeper *Harcourt* address'd himself to his Lordship in the following Speech.

My Lord Peterborough,

I Am commanded by my Lords, to return their Thanks to your Lordship, for your many eminent and faithful Services to your Queen and Country, during your Command in Spain.

My Lord,

The Thanks of this Illustrious Assembly, is an Honour which has been rarely pay'd to any Subject, but never after a stricter Enquiry into the Nature of any Service, upon a more mature Deliberation, or with greater Justice, than at this Time to your Lordship. Such is your Lordship's known Generosity, and truly noble Temper, that I assure my self the Present I am now offering to your Lordship, is the more acceptable, as it comes *pure and unmix'd*, and is unattended with any other *Reward*, which your Lordship might justly think would be an *Allay* to it.

My Lord,

Had more *Days* been allow'd me, than I have had *Minutes*, to call to Mind the wonderful and amazing Success which perpetually attended your Lordship in Spain, (the Effect of
your

‘ your Lordship’s personal Bravery and Conduct)
 ‘ I would not attempt the enumerating your
 ‘ particular Services, since I should offend your
 ‘ Lordship by the Mention of such as I could
 ‘ recollect, and give a just Occasion of Offence
 ‘ to this honourable House, by my involuntary
 ‘ Omission of the far greater part of them.

‘ I shall detain your Lordship no longer, than
 ‘ in Obedience to the Order I have receiv’d to
 ‘ return your Lordship, as I do, the Thanks of
 ‘ this House, for your *eminent and remarkable*
 ‘ *Services* to your Queen and Country, during
 ‘ your Command in Spain.

The Earl of Peterborough’s Answer.

My Lords,

FOR the great Honour and Favour I have re-
 ceiv’d from your Lordships, I return my most
 humble Thanks, with a Heart full of the greatest
 Respect and Gratitude. No Services can deserve such
 a Reward. It is more than a sufficient Recompence
 for any past Hardships; and to which, nothing can
 give any Addition. I cannot reproach my self with
 any want of Zeal for the publick Service: But your
 Lordships Approbation of what I was able to do to-
 wards serving my Queen and Country, gives me new
 Life, and I shall endeavour, in all my future Acti-
 ons, not to appear unworthy of the unmerited Fa-
 vour I have receiv’d this Day from this Great
 Assembly.

Yet, tho’ Matters were carry’d thus in Favour
 of the Earl of Peterborough, and it could not but be
 an extream Affliction to the Earl of Galway, to
 see such hard Constructions put upon his good
 Intentions

Intentions for the Publick Service, the latter had some Amends made him, not only by several Protests drawn up by the Lord *Halifax* against all the Questions but the last, but by a very handsome Encomium written by the same Lord's Encouragement, and made publick the next Day, as an Allay to the Joy his Enemies gave Tokens of, at the Censure of his Lordship's Conduct. The Versian ran thus:

To the Earl of Gallway.

*Repine not, Sir, at Fortune's partial Laws,
Who often frowns upon the juster Cause :
The Laurel Wreath with like deserv'd Renown,
May both the Victor and the Vanquish'd Crown.
Nor mourn the swift Vicissitudes of Fate,
That Name should teach you what attends the Great.
Successful Acts depend not on the Will,
And Virtue, tho' 'tis cross'd, is Virtue still.*

*Think on Rome's Eagles by Marcellus led;
Think on the Fabii, and Emilius dead ;
Who to their Country sacrificing all,
Rose by Defeat, and triumph'd in their Fall.
Will not Great William's Fame out-last the Sun ?
And has not Luxemburg a Battel won ?
Churchill, 'tis own'd, ne'er yielded to a Foe,
But Pompey was o'ercome, and Cæsar too.
Apply, Great Sir, these just Examples Home,
Britain can ne'er be more ingrate than Rome.*

*Fates dark Decrees did that black Day ordain,
That Wrong should triumph, and Oppression reign;
Tet Gallway long 'gainst Numbers kept the Field,
Numbers by Mars led on, by Jove upheld,
With Fury so heroically great,
Repel'd the Torrent, and disputed Fate.*

C c

So

So well the Chief and Soldier did maintain,
That Victory was partial long in Vain;
The Gods suspected much their own Decree,
And Fate grew doubtful of her Destiny.

Thy honest Wounds will testify thy Fame,
And shew, tho' Fortune waves, that thou'rt the same.
Wounds deck the Heroe with distinguish'd Grace,
And write the best Encomium in his Face.

From those red Monuments of Fame, we're taught
To think of nothing, but how Gallway fought,
We view no more Almanza with Regret,
But in his Deeds, our Country's Loss forget.

The Painter's Pencil may, with artful Care,
Nicely describe the Prelude of a War,
Or set the Heroe in a glorious Light,
Eager of Fame, and burning for the Fight :
But who can tell thy Vigilance and Pain
That fill'd thy Breast, and work'd thy lab'ring Brain,
Busy to act the General's better Part,
And to supply the want of Force with Art ?
What Hand can paint those unexampl'd Toils,
That mock'd the Victor's Arms, and sham'd his Spoils ?
That could retrieve that gallant slaughter'd Host,
Which British Arms unaided, had not lost ?

Berwick could now more humble Thoughts endure
In Victory it self, but ill secure
The Conqueror's Wreath he drop'd, and blush'd to own
The fruitless Trophies he so late had won.

Is this the Harvest which my Laurels bear,
And do my boasted Triumph's vanish here ?
Are these th' Effects of slaughter'd Foes ? He said.
Thus Pyrrhus vanquish'd, and thus Pyrrhus fled.
What means this Riddle in the conqu'ring Cause ?
Or sure my Fancy gives my Judgment Laws,
And never such a Scene of Triumph rose,
Or Hydras are renew'd in British Foes ;

Or some nocturnal Fancy France deceives,
 And decks my Brow with visionary Wreaths.
 Not so. Unerring Gallway's prudent Aim
 Retards the Progress of my growing Fame :
 He still determin's all Events in one,
 To cross my Measures, and advance his own ;
 And as to Nutriment Men Poison turn,
 Makes ev'n malignant Planets kindly burn.
 Such Praise I must (however too severe
 The Sound may prove in Royal Philip's Ear)
 On my great Adversary's Worth bestow,
 And love the Warrior, tho' I hate the Foe.

He spoke, and did the adverse Chief behold,
 With Valour Cautious, and with Caution bold ;
 Busy his shatter'd Legions to repair,
 And give a diff'rent Prospect to the War ;
 Industrious each commodious Ground to gain,
 And watchful to redeem Almanza's Plain.
 So when fierce Hannibal (his Foes o'ercome)
 Insulted Italy, and threaten'd Rome,
 The wary Fabius, with delusive Wiles,
 And cunning Feints, the Conqueror beguiles ;
 Watchful and wise, diverts impending Fate,
 And by delaying well, preserves the State.

Homer, who best of Poets understood,
 To temper Heroes, or to form a God,
 Makes bold rash Heat to cooler Conduct yield,
 And Hot-spur Mars to Pallas quit the Field.

I am likewise to account for another Omission
 in the Course of this History, which is that of
 the Death of the Lord Halifax's Lady ; upon
 whose Decease, his Lordship took a Resolution
 of living single thence forward, and cast his
 Eye upon the Widow of one Colonel Barton,
 and Neice to the famous Sir Isaac Newton, to be

Super-intendant of his domestick Affairs, But as this Lady was young, beautiful, and gay, so those that were given to censure, pass'd a Judgment upon her which she no Ways merited, since she was a Woman of strict Honour and Virtue; and tho' she might be agreeable to his Lordship in every Particular, that noble Peer's Complaisance to her, proceeded wholly from the great Esteem he had for her Wit and most exquisite Understanding, as will appear from what relates to her in his Will at the Close of these Memoirs.

To return to the more shining Passages of this important Life, the 9th of April 1713, being appointed for the Meeting of the Parliament, which had been from Time to Time prorogu'd 'till then, the Queen came to the House of Peers, and, amongst other Things, told them, *That her Plenipotentiaries at Utrecht had sign'd the Treaty of Peace with France; and that the Ratifications would be exchang'd in few Days, &c.* Hereupon the Duke of Beaufort, after the Commons were return'd to their House, made a Motion for an Address of Thanks, as usual, which occasion'd a small Debate: Not that there was any Lord that argu'd against giving her Majesty Thanks for her Speech, but Exceptions were rais'd against the Expression in it, of a *General Peace*; and the Lord Halifax, in particular, declar'd, *It could not be general, since the Emperor, the Elector of Hanover, and the other Princes and States of the Empire, had not then come into it.* When it was given in Answer, on the Side of the Court, by the Lord Treasurer and the Duke of Buckinghamshire, 'That indeed the Peace was not *Universal*, but that it might justly be call'd

General,

General, since the Major Part of the Allies had sign'd it. Which Point being, after some Struggle, conceded, a Motion was made by the Lord before mention'd, 'That in the Address of Thanks, a Clause might be inserted, wherein it was requested, That her Majesty would be pleas'd to lay before the House the Treaties of Peace and Commeree.' But the Question being put thereupon, after several learned Speeches for and against it, wherein the Earl Poulet, and Lord Guernsey very happily distinguish'd themselves by opposing it, and the Duke of Devonshire and Lord Halifax, by defending it, it was carry'd in the Negative by a Majority of 74 Voices against 43; so that the Address of Thanks was drawn up, and presented without the said Clause.

The next Debate of any great Notice in the House of Lords, was that in which it was attempt'd to have declar'd the Union between the two Kingdoms of *England* and *Scotland* void, which her Majesty had so much at Heart, as to call it the greatest Glory of her Reign. The Bill to lay an equal Tax upon Malt in both Kingdoms, had pass'd the House of Commons, and had made the same Progress thro' that of the Peers, who seem'd inclinable to hearken to the Lord Halifax's Arguments against it, by representing, 'That the Duty of Six-Pence per Bushel upon Malt, would be an insupportable Burthen to Scotland, by Reason of the vast Disproportion between the *English* and *Scotch* Malt, both in Goodness and in Price, almost double the Quantity of the latter being necessary to make Drink of equal Strength with the former; and the Bushel of Malt which was sold for two Shillings

‘ Shillings and three Pence in *London*, not bearing above the third Part of that Price in ‘ *Scotland*;’ but look’d upon it not to be their Province to alter a Money-Bill, and so pass’d it. The Endeavours of the *Scotch* Members in the House of Commons, for easing, their native County of Part of that Tax, having thus prov’d fruitless, they had several private Meetings with the Peers of that Nation sitting in Parliament, and consulted together how to redress their Grievances. For this End, they deputed four of their Number, viz. two of each Order, the Duke of *Argyle*, the Earl of *Mar*, Mr. *Lockhart*, and Mr. *Cockburn*, who attended the Queen, and by Word of Mouth, remonstrated to her Majesty, ‘ That their Country-men bore with great ‘ Impatience the Violation of some Articles of ‘ the *Act of Union*; and that laying such an ‘ insupportable Burthen as the Malt-Tax upon ‘ them, was like to raise their Discontents to ‘ such a Height, as to prompt them to declare ‘ the Union dissolv’d.’ To this unexpected and verbal Remonstrance, her Majesty was pleas’d to answer, *That such a Resolution was very precipitant, and she wish’d they might not have Reason to repent it; but however, she would endeavour to make all Things easy.* Therefore the *Scotch* Members aforesaid, having met according to Appointment the next Day, it was unanimously agreed to refer what they had made Complaint of, to the House of Lords.

Accordingly, on *Tuesday* the 28th of *May*, the Earl of *Seafield* (since *Finlater*, by the Death of his Father) made a Motion in that Illustrious Assembly, That some Day might be appointed to consider the State of the Nation. Whereup-

on *Mond.* the 1st of *June* following was appointed, when the Debate commenc'd, and was open'd by the noble Peer that had first made the Motion, and who represented the Grievances of the *Scotch* Nation, under the following Heads: ' *First*, ' Their being depriv'd of a Privy-Council. *Secondly*, The Laws of *England*, in Cases of High-Treason, extending to *Scotland*. *Thirdly*, The ' *Scotch* Peers being incapable of being made ' Peers of *Great Britain*, as had been adjudg'd ' and declar'd, in the Case of the late Duke of ' *Hamilton*. *Fourthly*, That the *Scots* being ' subjected to the Malt-Tax, would be the more ' insupportable to them, then, for as much as ' they never bore it during the War, and had ' Reason to reap and enjoy the Benefits of Peace: ' *Concluding*, ' That since the Union between the ' two Nations, had not those good Effects as were ' expected, and hop'd from it, when it was made, ' he therefore mov'd to bring in a Bill for dissolving the said Union, and securing the Protestant Succession in the House of Hanover; for securing the Queen's Prerogative in both Kingdoms, and preserving an entire Amity and good Correspondence between the two Kingdoms. This Motion was seconded by the Earl of *Mar*, and oppos'd by the Lord *North* and *Grey*, who affirm'd, ' That the Complaints of the *Scots* were groundless, and the ' Dissolution of the Union impracticable; and ' said, *That tho' the English Nation, in Return for vast Sums expended on that Account, had got little or nothing by it, but Opportunities of being farther serviceable to a barren and depauperated Country, he was for the Continuance of it*: And when the Lord *Halifax* took Notice of that Part of his Speech, which pointed at the Poverty of the

' the *Scotch Nation*, and allow'd them to be poor,
 ' and therefore unable to pay the *Malt-Tax*; his
 Lordship went on, and insisted, *That it was no-*
thing but what was stipulated by the Treaty of Union.
 The sixteenth Article of which, imported, *That*
Scotland should not be charg'd with any Imposition
on Malt during the War only, which then was at
an End. The Earl of *Isla* confess'd there was
 such a Clause, but that the same Article im-
 ply'd, ' That seeing it could not be suppos'd
 ' that the Parliament of *Great Britain* would
 ' ever lay any sorts of Burthens upon the Uni-
 ' ted Kingdoms, but what they should find of
 ' Necessity at that Time, for the Preservation
 ' and Good of the whole, and with due Regard
 ' to the Circumstances and Abilities of every
 ' Part of the United Kingdoms; therefore it
 ' was agreed, that there should be no farther
 ' Exemptions insisted on, for any Part of the
 ' United Kingdoms, but that the Consideration
 ' of any Exemptions beyond what was already
 ' agreed on in this Treaty, should be left to the
 ' Determination of Parliament.' To this he
 added, *That when this Treaty was made, the Scots*
concluded, and had all the Reason in the World so
to do, that the Parliament of Great Britain would
never go about to lay any Imposition, that they should
have Reason to believe would be burthensome; and
 set forth their Inability to pay the *Malt-*
Tax. Hereupon the Earl of *Peterborough* stood
 up, and made a long and very pathetick Har-
 rangue, wherein he shew'd the Impossibility
 of dissolving the Union; and said, among other
 Things, ' That he had heard the Union com-
 ' par'd to a Marriage; that according to that
 ' Notion, since it was made, it could not be
 broke,

broke, being made by the greatest Power upon Earth: That tho' sometimes there happen'd a Difference between Man and Wife, yet it did not presently break the Marriage: So in like manner, tho' *England*, who in this National Marriage, must be suppos'd to be the Husband, might, in some Instances, have been unkind to the Lady, yet she ought not presently to sue for a Divorce; the rather, because she had very much mended her Fortune by the Match: *Adding*, That the Union was a Contract, than which nothing could be more binding. To this, the Lord *Halifax* reply'd, That if the Union had the same Sanction as Marriage, which was an Ordinance of God, he should be for observing it as Religiously as that; but that he thought there was a great Difference. When his Lordship of *Peterborough* return'd for Answer, That he could not tell how it could be more solemn than it was, except it was expected that it should have come down from Heaven like the Ten Commandments; animadverting in the Conclusion, on the *Scots*, as People that could never be satisfy'd; that would have all the Advantages of being united to *England*, without the Inconveniencies: That they would pay no Taxes at all by their good Will; and that some of them had more Money from *England*, than all their Estates amounted to in their own Country.

The Duke of *Argyle*, who had just Grounds, tho' of large Possessions in *Scotland*, to imagine himself hinted at in the Close of his Lordship's Speech, on Account of his great Employments, spoke next, after a very handsome, but warm Manner, saying, That he was by reflected on, as if

he was disgusted, and had chang'd Sides; but that he had as mean an Opinion of their Persons, as he had of their Judgments: That it was true, he had a great Hand in making the Union: That the chief Reason that mov'd him to it, was, the securing the Protestant Succession; but that he was satisfy'd that might be done as well then, if the Union were dissolv'd: That he spoke as a Peer of England, as well as Scotland: That he believ'd in his Conscience, 'twas as much for the Interest of England, as of Scotland, to have it dissolv'd; and if it were not, he did not expect long to have either Property left in Scotland, or Liberty in England. He likewise urg'd, That the Tax upon Malt in Scotland, was as unequal (tho' the same as in England) as Taxing Land by the Acre; which would be very unjust, the Land being worth five or six Pounds per Acre about London, and not so many Shillings in some Parts of the Country: That this was the Case between the English and Scotch Malt, the former being worth three or four Shillings the Bushel, the other not above one; so that if that Tax was to be collected in Scotland, it could be done no otherwise than by a Regiment of Dragoons.

The Lord Halifax back'd his Grace, and declar'd, ' That the End of the Union, was the cultivating strict Amity and Friendship between the two Nations; but averr'd, that the Tax upon Malt was so far from having that Effect, that he was well assur'd the Animofities between them, were risen to a greater Height than before the Union: That it might be easily prov'd, by many Instances, that some Persons agreed better when they were asunder, than when together; and for that Reason he believ'd, if the Union were dissolv'd again,

the

the two Nations would in all Probably be better Friends.

On the other Hand, the Lord Trevor gave it as his Opinion, 'That such a Dissolution was hardly possible to be made, and not only set forth the whole Tenor of the Act, but the Reasons on which the Union was founded, and the great Advantages that arose from it to the two Nations, especially Scotland, which made it appear to a Demonstration, that the Scots had no Grounds for Complaint, much less for carrying Things so high as they were then attempting. The Lord High Treasurer likewise said, 'That the Earl of Seafield's Motion was no less strange, than unexpected: That the Union being made by two distinct Parliaments of both Kingdoms, he did not see how it could be dissolv'd, now the two Nations were in different Circumstances from what they were in, when it was made, because the Power that made it, was no more in Being; and nothing could make it void, but the Power that created it: Concluding, That if the Scots had any Grievances to complain of, there might be some other Methods found out to redress them, without proceeding by such an extraordinary Way, to the Dissolution of the UNION, which had been made in so solemn a Manner, and brought about at last with such Difficulty, after so many successful Attempts in former Reigns.

The Earl of Nottingham made Reply to these Allegations, and after having represented 'The Advantages of the UNION, if the Views with which it had been made, had been steadily pursu'd,' in the most polite and fluent

Language, of which he must be acknowledg'd to be a very great Master, said, That the two Nations were at that Time in other Circumstances than when the UNION was made, yet the same Power that was in the two Parliaments when they were separated and distinct, was lodg'd in them now they were consolidated; and therefore if they had Power to make it, they certainly had to dissolve it: And that he knew not any Thing but what the Parliament was capable of, except destroying the Constitution then in being, which he own'd they had not Power to abolish: That the Inconveniencies which had attended the Union, could not be foreseen 'till a Tryal was made: And since the Scots, who were the best Judges of the Affairs of their Kingdom, found that it did not answer the Ends propos'd, he was for dissolving it. The Lord Viscount Townshend said, ' He was of the same Opinion, provided Means could be found to secure the Protestant Succession without it; and therefore desir'd to know what Security the Scots could give for that essential Point, before they proceeded any farther. When some of the Scotch Peers answer'd, That would appear when the Bill should be brought in: That then it was a proper Time to shew what Security they could give; and therefore mov'd, that the Question might be put immediately, Whether a Bill should be brought in, or no?

But the Earl of Nottingham propos'd to the House, ' That another Day might be appointed to consider farther of a Matter of such Consequence, in order to their Lordships being better appriz'd of the Motives for and against it. The Lord Halifax likewise declar'd, ' He should vote with those that were for dissolving the Union, provided it could be made appear,

'appear, that the Succession could be secur'd,
 'but yet said it was more adviseable in his
 'Judgment, That a farther Day should be set
 'for taking so important a Matter into Con-
 'sideration. The Earls of *M—* also and *L—*,
 who were before for putting the Question im-
 mediately, were better satisfy'd by his Lord-
 ship's Reasons, and gave their Voices for put-
 ting it off to another Time. There were sever-
 al other Speeches made both by *English* and
Scotch Peers; and it was remarkable, that when
 one of the former urg'd, *The Danger that Eng-
 land would be in from the Pretender, should the
 Union be dissolv'd*, the Lord *Halifax* answer'd,
 'He could not tell what *England* had to fear
 'from that or any other Incident; and that
 'the Queen, Lords, and Commons, if all in
 'one Interest, need to fear no Enemy in the
 'World, but ought to despise the Pretender and
 'all his Abettors. Upon the whole Matter,
 the Court-Lords were all against dissolving
 the Union, except the Earl of *Mar*, and one or
 two more, and agreed, 'That the very moving
 'such a Thing, was dangerous, and might be
 'of the worst Consequence, and therefore were
 'for putting such an effectual Stop to it, and
 'that instantly, that no one might ever offer
 'at any such Thing again. While the *Scotch*
 Lords made no Difficulty of saying, *That if the
 Union were not dissolv'd, their Country would be the
 most miserable under Heaven*. In fine, the Question
 was at last put, after various Arguments for, and
 against it, and carry'd in the Negative by four
 Voices, their being 54 Lords present on each
 Side, and 17 Proxies for the Negative, and only
 13 for the Affirmative.

This

This Session of Parliament, which was to be the third and last, drew towards a Conclusion; and the *Whig-Lords* had nothing to do, after the House of Commons had flung out the Bill for making more effectual the eighth and ninth Articles of the Treaty of Commerce, but to do what in them lay to secure Liberty and Property, as well as Trade, and if possible, render the *Tory-Party* suspected of being in the Interest of the Pretender. Upon a Motion therefore from the Earl of *Wharton*, 'That an Address should be presented to her Majesty, that she would be pleas'd to use her most pressing Instances with the Duke of *Lorain*, and with all Princes and States in Alliance with her Majesty, that they would not receive, or suffer to continue within any of their Dominions, the Pretender to the Imperial Crown of these Realms, which the *Tories*, who smelt out the Intention of it, made no manner of Opposition to; the Lord *Halifax* back'd his Lordship, and said, *That since the Pretender had begun his Studies in France, it was but fitting that he should end them at Rome.* And when the Queen, in her Answer to their Address, said only, *She should repeat her Instances to have that Person remov'd, according to their Desire,* his Lordship again declar'd to the House, 'That he never heard of any Instances that had been yet made to the Duke of *Lorain*, for the Removal of the Pretender out of his Dominions; and therefore made a Motion for another Address, wherein it was specify'd, *That the House of Peers would stand by her Majesty, and support her in whatever she should think proper for obtaining the foregoing Demand;* the Reply to which, was, 'That her Majesty was graciously

ciously pleas'd to receive the same; so that the Parliament concluded, with no other Satisfaction to the Party, who was for carrying on the War till a safe, honourable, and lasting Peace could be made, than of being presented each of them with a Gold Medal, in Memory of the Peace of France, which they had oppos'd.

When Royal Writs having been issu'd out from Court, for the Choice of a new Parliament, the two contending Parties set themselves heartily at work to promote their respective Interests. But notwithstanding those that espoused the Good of their QUEEN and Country, and had at Heart the Honour of the one, and the Advantage of the other, made as noble Efforts and Stands as had been known at any former Elections; tho' no Assiduity was wanting on their Side, to open the Eyes of those who had it in their Choice to save their Country from impending Ruin, in the Impoverishment of the Subjects, by the Decay of Trade, and the Surrender of its most valuable Branches, into the Hands of a defeated Enemy; yet such was the Power of a certain *White-Staff*, when the Flood-Gates of the Treasury were open'd, that the Counties, Cities, and Boroughs of the United Kingdom, for the most Part sent up such Representatives as were almost ready to come into any Measures that should be prescrib'd to them from the Throne: So that if those at the Helm, had Reason to be satisfy'd with the Proceedings of the foregoing Parliament, they had no less Cause for Joy in the Choice of this, which being for the Generality compos'd of the same Members, could not be as much

much as suspected for Non-adherence to the same Principles.

The Time of their Meeting, as the Test of the above-mention'd Writs signify'd, was to have been the 12th of November 1713; but, whether the Ministry were not sufficiently appriz'd of the Majority, which their Creatures had in the House of Commons, and therefore took a longer Day to gain over a greater Number of Dependents; or whether, as their Friends report, it was not necessary to commence the Session, before the last Hand was put to the Treaty at *Utrecht*, between *Great Britain* and *Spain*, both Houses were prorogu'd, *de Die in Diem*, till the 16th of February 1714; when, by Reason of the Queen's Indisposition, who approv'd the Commons Choice of a Speaker by Commissioners on the 18th following, they adjourn'd themselves from Time to Time, to the second of *March*, whereon her Majesty told them, ' That she could with great Satisfaction assure them, that the Ratifications of the Treaties of Peace and Commerce with *Spain*, had been exchang'd, by which her Subjects would have greater Opportunities than ever, to improve and extend their Trade; and that nothing should be wanting on her Part, to make the Peace universal. To this, her Majesty added, after her Wishes, ' That effectual Care had been taken to suppress seditious Papers; That there were some who were arriv'd at that Height, as to insinuate, that the Protestant Succession in the House of *Hanover*, was in Danger under her Government; and to go about to distract the Minds of Men with imaginary Dangers, meaning to disturb the

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present

present Tranquility, and to bring real Mischiefs upon us. Concluding, That a long War had not only impoverish'd the Publick, (howsoever some particular Men had been Gainers thereby) but had also greatly affected Government it self; and that as she had the Concurrence of the last Parliament, in making the Peace, so it would be for the Honour of this, to assist her in obtaining such Fruits from it, as might not only derive Blessings on the present Age, but even down to the latest Posterity.

The Respect that is due to the Ashes of a dead Sovereign, causes me to forbear any Thing that may cast the least Reflection upon so good and gracious a Princess, tho' the several Branches of the foregoing Speech, being nothing but the Result of her Minister's Advice, (without any Imputation of not paying a just Deference to Crown'd Heads) might, in the Language of our News-Writers, give Birth to various Speculations, especially that concerning the *Treaty of Peace and Commerce with Spain*, which has been made appear to be far short of those Advantages that might have been obtain'd, by carrying on the War to a longer Duration against that Kingdom. As for that Article in it, that concerns such as insinuated the Protestant Succession in the House of *Hanover*, to be in Danger, a succeeding Debate against Mr. STEELE, (now Sir Richard) a Member for *Stockbridge*, in the House of Commons, for a certain Book of his call'd the *CRISIS*, &c. will discover whom it was levell'd at; and as for those who gave it as their Opinion, that she should complain against them with Warmth, it will be no Breach

of good Manners, to say they may be easily pointed at. But Matters of Fact rather suit an Historian, than any Things, howsoever true in themselves, that have the least Appearance of Conjectures. Let it suffice therefore, that the Queen being retir'd, and the Commons gone back to their House, the Lords voted an Address of Thanks *Nemine Contradicente*, for her Majestys most Gracious Speech. This was no sooner done, but the Lord *Wharton*, back'd by the Lord *Halifax*, (who knew this was the only Means to prevent the intended Censure of the House of Commons, against his Friend Mr. *Steele*, and ingratiate the Party he was of, with the 16 *Scotch* Members) out of a just Regard to one Branch of it, that related to the Suppression of seditious Papers, &c. made a Complaint to the House against a scandalous Libel, entitled, *The PUBLICK SPIRIT of the WHIGS, set forth in their generous Encouragement of the Author of the CRISIS, with some Observations on the Seasonableness, Candor, Erudition, and Style of that Treatise. Printed for John Morphew near Stationers-Hall, 1714.* Wherein the Author having made some light and cursory Reflections on Mr. *Steele*, who had written the Pamphlet this Libel was levell'd at, (occasionally on the Earl of *Nottingham*) and on the implicit Munificence of a huge Train of Dukes, Earls, Viscounts, Barons, Knights, Esquires, Gentlemen, and others, who subscrib'd to the *Crisis*, pretended to examine the Production it self; which Examination was intermix'd with several scurrilous Reflections upon the Persons concern'd in advancing the Union between the two Kingdoms, and contain'd very Ungentleman-like Expressions concerning

cerning the Poverty of the Scotch Nation in general; and compar'd that Country (*England*) with which it was incorporated, to a Person of Quality that had been prevail'd upon to marry a Woman much his Inferior, and without a Groat to her Fortune. The Author of it likewise had the Assurance to affirm therein, "That the 'Pensions and Employments possess'd by the 'Natives of that Country, (meaning *Scotland*) 'now among us, amount to more than the whole 'Body of their Nobility spent at Home; and 'that all the Money that was rais'd there upon 'the Publick, was hardly sufficient to defray 'their Civil and Military Lists. He also said, 'he could point out some with great Titles, who 'affected to appear very vigorous for dissolving 'the Union, tho' their whole Revenues before 'that Period, would have ill maintain'd a 'WELSH JUSTICE of the Peace, and had 'since gather'd more Money than ever any 'Scotch-man, who had not travell'd, could form 'an Idea of."

However, this Enquiry, with what Vigour and Justice it was pursu'd, had not its desired Effect, either the one way or the other; for tho' the Lord *Holifax* represented, with all the Strength of Reason imaginable, "That it 'was the highest Insult that could possible be 'done to one of the most ancient Kingdoms 'in the World, and to a Nation which had the 'Honour to give Monarchs to *England*." And when the Persons under Examination for handing the said Libel to and from the Press, (*Barber and Morphen*) insisted upon their not answering any Question, the Answer to which might tend to accuse themselves, or to cor-

raborate the Accusation against them, said,
 ' They had nothing to do either with the
 ' Publisher or Printer; and that it highly con-
 ' cern'd the Honour of that August Assembly,
 ' to find out the Villain who was the Author
 ' of that false and scandalous Libel, in order
 ' to do the *Scottish* Nation Justice. *And like-*
wise added, ' That there were not wanting Per-
 ' sons, who had the Honour to sit in that
 ' House, that were too well acquainted with
 ' a certain Great Man's Veracity, not to sus-
 ' pect any Thing in him, rather than want of
 ' Knowledge, since it was whisper'd about, that
 ' he who wrote the said Pamphlet, had said
 ' Grace more than once, and fould many a Plate
 ' at a Noble-man's Table, not a Mile from *Tork-*
 ' Buildings," after the Lord High Treasurer
 had protested, with much Gravity and Sanctity
 of Face, *That he knew nothing of him directly nor*
indirectly; yet such were the Counter-Practices
 of those whose Business it was to have the
 Author conceal'd, that her Majesty was pre-
 vail'd upon to take the Cognizance of that
 Affair into her own Hands, in one of her Courts
 at *Westminster*; and on the 6th of *March* fol-
 lowing, the Earl of *Mar*, principal Secretary of
 State for *Scotland*, had it in Command to acquaint
 them, that Orders had been already given for
 the Prosecution of *John Barber*, &c. Three Days
 after, the said *John Barber* and *Morphew* were,
 on their Petition, enlarg'd from their Confinement,
 the Lords resolving at the same Time
 on an Address to her Majesty, by the Motion
 of the Lord *Halifax*, to issue out her Royal Pro-
 clamation, with a Reward for the Discovery of the
 Author of the above-mention'd Libel.

Nor

Nor did the Ministry, how deeply soever some of them were thought to be engag'd in that Affair, offer to give any Obstruction to this Method of Discovery; for a Proclamation was made publick the same Day on which the Address was presented, whereby a Reward of three hundred Pounds was promis'd to be paid to such as should discover the Author of the aforesaid Libel, payable by the Lord Treasurer. Notwithstanding which, no Discovery was made.

On *Wednesday* the 17th of *March* following, the Day after Mr. Steele had the Honour to be expell'd the House of Commons, for asserting the Rights of the *English* Nation, and the *Hanover* Succession, the Lords enter'd into Debates concerning the State of the Nation, and the Lord *Halifax* and some other Peers, having represented the Danger that threaten'd the Protestant Succession in the Electoral House of *Hanover*, by reason of the Pretender being not then remov'd from *Lorain*, and the ill Condition the Affairs of *Europe* were left in by the last Treaties of Peace, mov'd, That Addresses should be presented to her Majesty, that the proper Officers might be directed to lay before that House, First, An Account of what Steps had been taken for removing the Pretender from the Dominions of *Lorain*, pursuant to the Addresses of both Houses of the last Parliament, and what Answers had been given to her Majesty, or any of her Ministers. Secondly, An Account of the Negotiations of Peace; what Measures had been taken to render the Peace universal; and what Obstructions her Majesty had met with therein. Thirdly, An Account of the Instances that had been made for restoring

storing to the Catalans their ancient Privileges, and all Letters relating thereunto. Fourthly, An Account of the Moneys granted by Parliament since the Year 1710, to carry on the War in Spain and Portugal. Which Addresses were accordingly presented.

After this, the Lord High Treasurer mov'd for Leave to bring in a Bill, for the farther Security of the Protestant Succession, by making it High Treason to bring any foreign Troops into the Kingdom. But the Lord Halifax foreseeing the Drift of such a Bill, and that it pointed against the Guarantees of the Act of Settlement, made Answer, That if his Lordship meant French Forces, he should readily concur with him, but he could by no means give into a Resolution that should, by setting aside the Barrier-Treaty, annul that Act itself. Whereupon that Motion was drop'd, not without severe Reflections, both in, and out of the House.

Two Days after, the Peers resum'd the Consideration of the State of the Nation; and the Lord Halifax in particular, spoke again, In Favour of the poor Catalans; and at the same Time complain'd of the Favour shewn to the Pretender's Friends; took Notice of the great Debts due to the Navy, tho' there had been nothing done at Sea for two or three Years past; and mov'd, that Addresses might be presented to her Majesty, that she would be pleas'd to order the proper Officers, First, To lay before the House, An Account of the Debts, and State of the Navy. Secondly, An Account of Noli Prosequi's granted since her Majesty's Accession to the Crown. And, Thirdly, A List of Persons Outlaw'd, Attainted, or that had been in the

the Service of her Majesty's, or the late King's Enemies, who had Licenses to return into Great Britain, or other her Majesty's Dominions, since the Year 1688. After which, the said Addressees being agreed to, upon a Motion for adjourning, his Lordship, who design'd to prosecute with Vigour the above-mention'd Enquiries, propos'd to adjourn only for 2 or 3 Days; but the Lord Treasurer having very demurely and devoutly represented, That the following Week, which was *Easter*, ought, according to the Institution of the Church, to be set apart for Works and Exercises of Piety, it was carry'd by a Majority of 66 Voices, against 43, that the House should adjourn till *Wednesday* the 31st of *March*.

Their Lordships being met again on the Day last mention'd, the Lords with the *White Staves* gave them to understand, That the Queen had been pleas'd to order the Papers for which they had address'd her, to be laid before them; but that it requir'd some Time to transcribe them. Upon which, the House came into a farther Adjournment, to the second of *April* following, when several Papers relating to the *Catalans*, being read, the Lord *Halifax* declar'd, That the Crown of Great Britain having drawn in the *Catalans* to act in Favour of the House of Austria, and engag'd to succour and support them, those Engagements ought to have been made good; and was answer'd by the Lord High Treasurer, That her Majesty had us'd her best Endeavours to procure to the *Catalans* the Enjoyment of their ancient Rights and Privileges; But that after all the Engagements her Majesty was enter'd into, subsisted no longer than
 ' while

‘ while King Charles was in Spain; but that
 ‘ Prince being advanc’d to the Imperial Dig-
 ‘ nity, and having himself abandon’d the Ca-
 ‘ talans, her Majesty could do no more than
 ‘ interpose her good Offices in their Behalf,
 ‘ which she had not been wanting to do. To
 which it was reply’d by his Lordship, who spoke
 before the said Earl, *That God Almighty had put*
more effectual Means into her Majesty’s Hands.
 When, after some other Speeches, the Lord
 Cowper mov’d for an Address, importing, ‘ That
 ‘ her Majesty’s Endeavours for preserving to
 ‘ the Catalans the full Enjoyment of their an-
 ‘ cient Liberties, having *prov’d ineffectual*, their
 ‘ Lordships made it their Request to her Ma-
 ‘ jesty, that she would be graciously pleas’d to
 ‘ continue her Interposition, in the most pressing
 ‘ Manner, in their Behalf.

Now, of the Peers who oppos’d this Motion,
 only the Lord Chancellor *Harcourt*, in Justifi-
 cation of all that had been done by the Mi-
 nistry, said, *Their Address would, in all Probabi-*
lity, be more grateful to her Majesty, if the Word
ineffectual were left out, and they should only
thankfully acknowledge her Majesty’s Endeavours in
favour of the Catalans: Which was approv’d,
 and accordingly presented to the QUEEN,
 and receiv’d for Answer,

My Lords,

I Heartily thank you for this Address, and the
 Satisfaction you express in the Endeavours I have
 us’d for securing the Catalans their just Li-
 berties.

At

At the Time I concluded my Peace with Spain, I resolv'd to continue my Interposition, upon every proper Occasion, for obtaining those Liberties, and to prevent, if possible, the Misfortunes to which that People are expos'd, by the Conduct of those who are more nearly concern'd to help them.

This Answer, when reported by the Lords that brought it, was not taken in good Part, in particular, by the Lord *Halifax*, and others, who knew that the Emperor, who was reflected upon in it, was under an unavoidable Necessity of pursuing the Steps he took in the Evacuation of *Catalonia*; but however, the Majority of the House being in the Interest of those Ministers, who had advis'd her Majesty to recal her Troops from thence, it was not thought proper to enter into any Debates about it.

The same Day upon which their Lordships Address was presented, they read several Papers that had been laid before them, in Relation to the Treaties of Peace, and resolv'd, at the Motion of the Lord *Halifax*, to go again upon the State of the Nation, on *Monday* the 5th of *April* following. Accordingly that Day, several Speeches were made on both Sides, in Relation to the Treaties of Peace in general, and to the Protestant Succession in the House of *Hanover* in particular: After which, the Question was put, *Whether that Succession was in Danger under her Majesty's Administration*, which occasion'd a warm Debate, wherein his Lordship struggled hard to have the Words *under her Majesty's Administration*, left out of the Question, 'out of Respect, as he said, to her Majesty, who was no ways concern'd in it; and if any Thing

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' had

‘ had been done amiss, was no ways accountable, but by her Ministry.’ But the opposite Party, who took upon them to justify those at the Helm, or at least to screen them under so sacred a Protection as that of the Queen’s Name, insisted, that the Words should stand, and that the Question should be of a Peice with her Majesty’s Expressions in her Speech from the Throne, upon the same Subject; and they being the more numerous, carry’d it by a Majority of 13 Voices, viz. 77 against 64.

Besides several smart Speeches that were made on both Sides, the most remarkable Circumstance, was, that Sir *William Dawes*, the newly elected Arch-bishop of *Tork*, in the Room of Dr. *Sharp* deceas’d, and the Earl of *Anglesea*, spoke and voted against the Question with the *Whig-Lords*, which added great Weight and Strength to that Side: The first drawing after him all the whole Bench of Bishops, three only excepted, and the other being follow’d by six or seven Temporal Peers, who, like his Lordship, had, upon most Occasions, voted with the Lords in the Court-Interest; so that the Victory which the latter gain’d, was owing either to the *Scotch Peers*, or the *New Creations*; and it was the general Opinion, that this seeming Advantage was, in Reality, a kind of actual Defeat, and that one or two such *Victories* would ruin the *Vanquishers*.

To pass over the Reflections which the Publick made upon this critical Transaction, we must proceed to take Notice, that after the Question was carry’d as the Court-Lords would have it, his Lordship again mov’d, ‘ That an Address should be presented to the Queen, that

'that she would be graciously pleas'd to renew
 'her Instances for the speedy Removal of the
 'Pretender from *Lorain*; and that her Ma-
 'jesty would likewise be pleas'd, in Conjunction
 'on with the States General, to enter into the
 'Guaranty of the Protestant Succession in the
 'House of *Hanover*; and to invite also such other
 'Princes as her Majesty should think proper. His
 Lordship was seconded by the Earl of *Wharton*,
 who mov'd besides, that in the said Address, her
 Majesty might be desir'd to put out a Proclamation,
 promising a Reward to any Person, who should ap-
 prehend the Pretender, dead or alive: Which Mo-
 tion was back'd by the Duke of *Bolton*, who
 insisted, That the said Reward might be suitable
 to the Importance of the Service. No Peer said
 any Thing in Opposition to these Motions; but
 it being late, some cry'd, *Adjourn, Adjourn*;
 but the other Party calling for the Question,
 it was unanimously resolv'd, that the said Ad-
 dress should be presented; and a Committee
 was thereupon appointed to draw it up. Be-
 fore this memorable Debate commenc'd, the
 Lord *North* and *Grey* mov'd, that all the Stran-
 gers in the House might withdraw, but was
 oppos'd by the Earl of *Wharton*, who desir'd
 they might be permitted to stay, being seconded
 by the Lord *Halifax*, who said, *It was for the*
Honour of that House, not to be asham'd or fearful
of divulging what was said in it. But the noble
 Peer who made the first Motion, insisting upon
 it as consonant to a standing Rule of that House
 all the Strangers were commanded instantly to
 retire, except the Baron *Scutz*, Envoy Extraor-
 dinary from *Hanover*, whose standing behind
 the Throne with the Peers Sons, was wink'd

at, because of the great Share his Master had in the Transactions of that important Day.

On the Report of the Address above-mention'd, some Court-Lords mov'd, that the same might be mitigated; and among the rest, the Lord North and Grey took upon him to shew the Barbarity of such an Act, as the setting a Reward upon any One's Head, which, he said, was an Encouragement of Murder and Assassination, and repugnant to, and abhorrent of Christianity, the Law of Nature, and the Law of all Civiliz'd Nations. To which Purpose his Lordship quoted some Passages out of Grotius, Puffendorf, and other learned Civilians; and represented in particular, how inconsistent such a Procedure was, with the Honour and Dignity of so august an Assembly, in a Nation and Government fam'd for Lenity and Clemency. And in the Conclusion declar'd, 'No Man had more Respect and Affection for the illustrious House of Hanover, or would do more to serve them, than himself, but that their Lordships ought to excuse him, if he would not venture Damnation for them. The Lord Trevor likewise spoke on the same Side, and affirm'd, That what the noble Peer had spoken, was sufficient to shew how inconsistent such a Procedure was with Christianity, and the Civil Law, and therefore he would confine himself to our own Laws; and if he knew, or understood any thing of these, he was confident they were as opposite to such Proceedings, as the Civil Law: That he knew he did not speak there as a Lawyer or Judge, but as a Peer; but he was so fully satisfy'd of our Law discountenancing all such Proceedings, that if any such Case should come before him as a Judge,

Judge, he should think himself bound in Justice, Honour, and Conscience, to condemn such an Action as Murder; and therefore he hop'd the Supream Court of Judicature would not make a President for encouraging Assassination. Little was said in Opposition to these two Speeches, only that the Lord Halifax said, 'Extraordinary Diseases requir'd extraordinary Remedies; and that it was in the Pretender's own Breast not to run the Risque of being Assassinated, provided he would not attempt to Land in any of her Majesty's Dominions; since the Design of apprehending him alive or dead, was only in that Case.' Whereupon it was mov'd, first, That the Reward should be for apprehending and bringing the Pretender to Justice, in Case he should Land either in Great Britain or Ireland. Secondly, That her Majesty should issue her Royal Proclamation, whenever her Majesty should think it necessary. Upon a Division, these Amendments were carry'd by a Majority of ten Voices; and some of the Lords, who, on the Monday before, voted with the Whigs, in particular the Earls of Abingdon and Anglesea, and several Bishops thought fit to give their tacit Consent to them by their Absence from the House.

But the Lord Halifax succeeded in another Motion which he made the same Day, for an Address to be presented to her Majesty, 'That she would be pleas'd to issue out her Royal Proclamation, for putting in Execution the Laws in Force against all Jesuits, Popish Priests, and Bishops, except those belonging to foreign Ministers; as also against all such as had born Arms against the late King William and Queen Mary, and her present Majesty. Upon which Occasion,

Occasion, he made very severe Reflections against those Persons, who being out-law'd for adhering to the late King James and the Pretender, had the Assurance, and were encourag'd not only to come over, but to appear here with a publick Character. Whence the Lords came to the following Resolutions, 1. That no Person not included in the Articles of Limerick, and who had born Arms in France or Spain, should be capable of any Employment, Civil or Military. 2. That no Person who was a natural born Subject of her Majesty, should be capable of sustaining the Character of a publick Minister, from any foreign Potentate. It may not be out of the way, to give the Reader to understand, that these Resolutions were made with an Eye to Sir Patrick Lawless, who having been in the Service of the Pretender, as his Envoy at the Court of Madrid, had come over from thence, by Leave from the Government, with Credentials from King Philip, to act here as his Minister.

The Queen's Answer to the above-mention'd Address against the Pretender, having been reported by my Lord Chancellor in these Words,

My LORDS,

IT would be a real strengthening to the Succession in the House of Hanover, as well as a Support to my Government, that an End were put to those groundless Fears and Jealousies, which have been so industriously promoted. I do not, at this Time, see any Occasion for such a Proclamation. Whenever I judge it to be necessary, I shall give my Orders for having one issu'd. As to the other Particulars of this Address, I will give proper Directions therein.

Some

Some Expressions in it, did not appear entirely satisfactory, and hereupon the Lord *Halifax* mov'd for another Address to her Majesty, tacitly insinuating the *Reasons* and *Grounds* the Lords had for the first. A Form of an Order for such an Address was thereupon propos'd; and a noble Duke having given it as his Opinion, that the Word *industriously* should be added; there arose a Debate that lasted from two till six; when, after a warm Dispute, the Court-Party carry'd their Point, by a Majority of two Proxies only, viz. 61 Voices on each Side; and so an Address of Thanks was presented to her Majesty for her Answer, instead of a Remonstrance, which rais'd the Hopes and Expectations of the Friends to the Pretender for some Time.

But their Joy was not long-liv'd; for the Lord *Halifax*, and the rest of the Peers that voted with him, finding now that the Cause would be irrecoverably lost, without having Recourse to another Expedient, which was, the Presence of the Duke of *Cambridge*, (now Prince of *Wales*) so brought it about, that Baron *Schutz*, Envoy Extraordinary from the Elector, his Highness's Father, was advis'd to demand a Writ to be made out for his taking his Place in the House of Peers. Accordingly the said Minister made a Visit to the then Lord Chancellor *Harcourt*; and, among other Civilities, acknowledg'd the Affection which his Lordship had shewn, upon several Occasions, to the most serene Electoral House of Brunswick. Hereupon the Lord Chancellor told him, ' That he ' was extreamly sensible of the Honour and Justice he did him by his Visit and Compliment, ' and desir'd him to assure the Elector his Master ' of

of his entire Devotion to his Service, hoping
 his Electoral Highness gave no Credit to the
 false Reports that were industriously spread
 abroad, in order to give him Jealousies of her
 Majesty's Ministers. The Baron answer'd,
 He would not fail of discharging so agreeable a
 Commission; but added, He had a Favour to ask of
 the Lord Chancellor, in the Name of the Electoral
 Prince, viz. That his Lordship would be pleas'd to
 make out a Writ for his Highness's sitting in the
 House of Peers as Duke of CAMBRIDGE: That
 the Lord Chancellor was somewhat surpriz'd at
 this unexpected Demand, stands very much
 with Probability; but be that as it will, his
 Lordship told the Baron, That it was not usual
 to make out Writs for Peers that were out of
 the Kingdom; However, he would forthwith
 apply to her Majesty for Directions in that
 Case. Upon this, the Baron reply'd, He did
 not doubt but his Lordship knew, and would perform
 the Duties of his Office; and that as to the Difficulty
 of the Duke of CAMBRIDGE's being out of
 the Kingdom, he might assure himself, that his High-
 ness the Prince Electoral had resolv'd to come over
 very speedily, and perhaps might be landed before
 the Writ was made out. After which, the Baron
 taking his Leave, was desir'd by the Lord Chan-
 cellor to remember, he did not refuse his
 Demand, but only thought it proper to acquaint
 her Majesty with it; which he would do imme-
 diately. To which, the Baron said, That he
 likewise desir'd his Lordship to remember, That
 he had apply'd himself to him for the Duke of Cam-
 bridge's Writ. The Lord Chancellor having the
 same Evening acquainted her Majesty and her
 chief Ministers with all that had pass'd, a
 Council

Council was immediately call'd, which sitting from nine of the Clock till eleven, it was resolv'd, that a Writ should be made out for his Highness, as requested; but afterwards concert-ed in the Cabinet, that notwithstanding the said Resolution, Letters should be sent from her Majesty to the Princess *Sophia*, and to the Duke her Grand-son, as also from the Lord High Treasurer to the latter, to dissuade the one from giving her Consent to that Journey and Voyage, and the other from taking them into this Kingdom.

This Transaction, which the next Day at Noon was whisper'd about in the Court of Requests, by the Means of the noble Lord that advis'd it, cast such a Damp on the avow'd Partizans of the *Pretender*, and even on some others who would not be thought to have any Affections that Way, were so astonish'd at the News, that they could not hinder their dejected Looks and faltering Tongues, from betraying their real Sentiments, and inward Concerns. Tho' it was the same Time reported by the Court-Agents, that her Majesty had taken the Baron's Application to the Chancellor, in so ill a Part, before he had made her acquainted with his Orders in that Matter, that she had forbid him her Court, and laid Injunctions on her Ministers, to have no Intercourse or Correspondence with him. How her Majesty's Intentions came to be so soon and publickly known, or at least so rightly guess'd at, it is not the Business of an Historian to enquire: But 'tis most certain, that on the *Sunday* following, five Days after the Demand, Sir *Clement Cotterel*, Master of the Ceremonies, carry'd Baron *Schutz* a Message, to forbid him the

Court. However, Mr. Secretary Bromley, at the same Time sent another Message to Mr. Kreyenberg, the Elector of *Hanover's* Resident, to acquaint him, that he might come to Court as usual; and two Days after, one of the Queen's Messengers was dispatch'd to Mr. Harley, at the Court of *Hanover*, with Instructions suitable to the new Scene Baron Schutz had open'd in *England*. On the other Hand, the Baron thought fit to return to his Master's Court, and for that Intent, set out for *Harwich* on the *Tuesday* following, attended only by one Servant, having left in Mr. Kreyenberg's Hands, a Letter to Mr. Secretary Bromley, containing in Substance, 'That having had the Misfortune to incur her Majesty's Displeasure, and being thereby render'd incapable of serving his Master any longer in the *British* Court, he thought it his Duty to return Home, and so took his Leave of him.' The next Day Mr. Kreyenberg, upon the Delivery of the said Letter, was told, That either he, (*Mr. Kreyenberg*) or any other Minister whom the Elector of *Hanover* should be pleas'd to send over, should be well receiv'd by her Majesty.

This whole Affair, as it may easily be imagin'd, occasion'd various Reasonings and Conjectures; and as the Dismission of the *Hanoverian* Minister from Court, after such a Manner, could not but raise the Hopes of the Tories of an ensuing Breach of Friendship between the two Courts; so the Baron's Declaration of the Duke of *Cambridge's* sudden Intention to come over, so wonderfully animated the Spirits, to the Well-Affected of the Illustrious House, that the Effects of it were visibly seen by the particular

particular Influence it had on the publick Funds, which rose four or five per Cent.

To resume the Debates in Parliament, where, in the noble Person whose Memory we are endeavouring to do Justice to, was immediately concern'd, upon the Lords taking into their Consideration the State of the Nation, in Reference to the Treaties of Peace and Commerce, the Lords High-Treasurer and *Bolingbroke* endeavour'd to shew both the Necessity of putting an End to a consuming *Land-War* unequally carry'd on, and the Advantages that had been gain'd by the Peace, particularly by the Treaty of Commerce with *Spain*. Whereupon the Lord *Halifax* maintain'd, on the contrary, ' That there was no absolute Necessity of making a Peace, the Nation having given almost as much Money for several Years last past, as any 3 Years of the War : And as for the pretended Advantages gain'd by the Treaty with *Spain*, 'twas plain they were no more than what had been stipulated before by the Treaty of the Year 1667.' His Lordship also complain'd ' of the Method in which the Negotiations of Peace had been carry'd upon, and of our giving up the Interests of the Emperor and King of *Portugal*, as well as the poor *Catalans*. In Answer to this, the Bishop of *London* and her Majesty endeavour'd to make the Peace general ; and after a warm Debate, in which several lively Representations were made by his Lordship, of the Danger the greatest Part of the Confederacy was in, from the Conclusion of that Peace, it was resolv'd, by a Majority of 19 Voices, (*viz.* sixteen present, and three Proxies) to present an Address to her Majesty, to acknowledge her great Goodness to

' her People, in delivering them by a safe, ho-
 ' nourable, and advantageous Peace with *France*
 ' and *Spain*, from the Burthen of a consuming
 ' Land-War, unequally carry'd on, and become,
 ' at last, impracticable; and to intreat her Ma-
 ' jesty to pursue such Measures as she should
 ' judge necessary, for compleating the Settle-
 ' ment of *Europe* on the Principles laid down
 ' in her Majesty's Speech.' Which Address being
 drawn up, and sent to the Commons for their
 Concurrence, was agreed to; and upon the Pre-
 sentation, had for Answer from the Queen,
 That the State of publick Affairs in *Europe*, as
 well as the Necessities of her own Kingdom,
 oblig'd her to enter into a *Negotiation of Peace*;
 and, that notwithstanding all Difficulties, she had,
 by the Blessing of God, brought it to a happy Con-
 clusion: That she esteem'd their Address as the united
 Voice of her affectionate and loyal Subjects; and
 return'd them all the hearty Thanks which could be
 given by a Sovereign, who desir'd nothing more, than
 to see her People safe and flourishing.

But the Matter his Lordship stir'd most in,
 and which he had chiefly at Heart, was, the
 Invasion which he thought made upon the To-
 leration-Act, by a Bill sent up to the Peers by
 the House of Commons, to prevent the Growth of
 Schism, &c. At the Reading of which, he op-
 pos'd the Passage of it thro' that Illustrious and
 August House, by the most rational and sound
 Arguments; representing, among other Conse-
 quences that would arise from it, the Tendency
 it would have towards raising as great a Persecution
 against our Protestant Brethren, as the Primitive
 Christians ever suffer'd from the Roman Emperors,
 particularly Julian the Apostate; adding, That such
 a Law

a Law would occasion foreign Education, which on the one Hand would drein the Kingdom of vast Sums of Money, and (which was still worse) fill the tender Minds of young Men with Prejudices against their own Country. He illustrated and strengthen'd his Reasons, by the Examples of English Popish Seminaries Abroad, which he said, were so pernicious to Great Britain, that instead of making new Laws, which would encourage foreign Education, he could wish those already in Force against Popish Schools, were mitigated. Hereupon the Lord Viscount Bolingbroke declar'd, ' That it ' was a Bill of the last Importance, since it concern'd the Security of the Church of England, ' which was the best and firmest Support of the ' Monarchy ; both which, all good Men, and ' in particular that August Assembly, which ' deriv'd their Lustre from, and were nearest to ' the Throne, ought to have most at Heart ; and ' therefore he could not but think it highly concern'd that House, whereof he had the Honour to be a Member, to read it a second ' Time.' When the Lord Cowper, who spoke next, reply'd, *No Man is more ready than my self, to do every Thing that shall be necessary to attain the seeming Intention of this Bill, viz. the preventing the Growth of Schism, and the farther Security of the Church of England ; but the enacting Part will be so far from answering to the Title of it, that, in my Opinion, it will have a quite contrary Effect, and prove equally obnoxious to Church and State.* When the Lord Halifax seconded him, by enlarging on those two Heads, with admirable Strength of Judgment, in a Discourse that lasted near half an Hour ; and amongst other unanswerable Arguments against the Bill, represented, ' That ' instead

' instead of preventing Schism, and enlarging
 ' the Pale of the Church, the Bill tended to
 ' introduce *Ignorance*, and its inseparable Atten-
 ' dents, *Superstition* and *Irreligion*." To this
 Purpose his Lordship took Notice, ' That in
 ' many Country-Towns, *Reading*, *Writing*, and
 ' *Grammar Schools*, were chiefly supported by the
 ' Dissenters, not only for the Benefit and In-
 ' struction of their own Children, but likewise
 ' of those of the poor Church-Men; so that the
 ' suppressing of those Schools, would, in some
 ' Places, suppress the Reading of the *Holy Scrip-
 ' tures*." His Lordship likewise observ'd, ' That
 ' the Bill struck at the ancient Rights and Pre-
 ' rogatives of the House of Peers; which, by
 ' the Constitution, was the supream Court of
 ' Judicature, and the *Dernier Resort* in all Cau-
 ' ses; whereas by the Bill, the *Justices* of the
 ' Peace were impower'd finally to determine the Of-
 ' fences against the same." My Lords, added he,
 I would, rather than abridge the Power of *Justices* of
 the Peace, were it but to encourage Gentlemen to take
 upon them an Office so troublesome, and at the same
 Time so unprofitable, unless it be perhaps in the
 County of Middlesex. But, my Lords, I shall
 never consent to give up the Birth-Rights and an-
 cient Priviledges of this August Assembly, of which I have
 the Honour to be a Member. The E. of Wharton deli-
 ver'd his Sentiments afterwards, and with a great
 deal of Resolution and Delicacy of Expression, di-
 stinguish'd himself, by averring, ' That he was a-
 ' greeably surpriz'd to see that some Persons were
 ' on a sudden become so Religious, as to set up
 ' for Patrons of the Church: But that he could
 ' not but wonder, that Persons who had been
 ' educated in *Dissenting Academies*, whom he
 ' could

' could point at, (*meaning the Earl of Oxford and*
 ' *Lord Harcourt*) and whose Tutors he could
 ' Name, should appear the most forward in
 ' suppressing them. That such a Practice was
 ' but an indifferent Return for the Benefit the
 ' Publick had receiv'd from those Schools, which
 ' had bred those Great Men who had made so
 ' glorious a Peace, and *Treaties that executed them-*
 ' *selves*; who had obtain'd so great Advantages
 ' for the Commerce of the Nation; and who had
 ' pay'd the publick Debts, without farther Charge
 ' to the Nation; so that he could see no Reason
 ' for suppressing those Academies, unless it arose
 ' from an Apprehension, that they might still
 ' produce greater Genius's that should drown the
 ' Merits and Abilities of those Great Men."

My Lords, continu'd he, to be serious, 'tis no less
 melancholick, than surprizing, that at a Time when
 the Court of France prosecutes the Design they have
 long since laid, to extirpate our Holy Religion; when
 not only Secret Practices are us'd to impose a Popish
 Pretender on these Realms, but Men publickly enlist
 for his Service. It is melancholick and surprizing,
 I say, that at this very Time a Bill should be brought
 in, which cannot but tend to divide Protestants, and
 consequently to weaken their Interests, and hasten
 their Ruin! But then the Wonder will cease, if we
 consider what Mad-men were the Contrivers and Pro-
 moters of it. His Lordship also excepted against
 the Word *Schism*, with which the Frontespiece
 of the Bill was set off, and said, ' It was some-
 ' what strange they should call that *Schism* in
 ' *England*, which was the establish'd Church in
 ' *Scotland*! and therefore, if the Lords who re-
 ' presented the Nobility of that Part of Great
 ' *Britain*, were for the Bill, he hop'd, that to be
 ' even

even with the *English*, and consistent with themselves, they would move for another *Bill* to prevent the Growth of Schism in their own Country. He declar'd also, on another Occasion, for his Lordship spoke more than once, ' That both in the Bill before them, and the Speeches of those who were Advocates for it, *several Laws* were recited and alledg'd: But there was a Law which had not been mention'd. I expected, added he, that VENERABLE BENCH, turning to the Bishops, would have put us in mind of it; but since they are pleas'd to be silent in this Debate, I will my self tell them, that 'tis the Law of the Gospel, to do unto others as we would be done unto.

The Earls of *Abingdon* and *Anglesea* spoke, when his Lordship had seated himself, in Favour of the Bill; and the latter said, among other Things, ' That the Dissenters were equally dangerous to Church and State; that they were irreconcilable Enemies to the establish'd Church, which they had sufficiently shewn in the late King *James* the Second's Reign; when, in order to obtain a Tolerati-on, they join'd themselves with the *Papists*; and that they had render'd themselves unworthy of the Indulgence of the Church of *England*, granted them at the Revolution, by endeavouring to engross the Education of Youth; for which Purpose, they had set up Schools and Academies in most Cities and Towns of the Kingdom, to the great Detri-ment of the Universities, and Danger of the establish'd Church.

But the Lord *Halifax* spoke, on the other Side, and said, ' That the very bringing in of

of that Bill was injurious to the QUEEN, and he could not believe her Majesty would ever give her Royal Assent to such a Law, after the solemn Declaration she had made from the Throne, *That she would inviolably maintain the TOLERATION*, which that Bill struck at. *He added*, That her Majesty made it the Glory of her Reign, to follow the Steps of Queen ELIZABETH, who had not only entertain'd and protected the Reform'd *Wal-*
loons, who took Sanctuary in her Dominions, from the *Spanish* Inquisition, but had likewise allow'd them the publick Exercise of their Religion, and caused a Clause in their Favour, to be inserted in the Act of Uniformity: That thereby that wise and glorious QUEEN had vastly increas'd the Wealth of her Realms, the *Walloons* having settled here the Woollen Manufactures, which were the best Branches of the *National Trade*: That the Protection and Encouragement of the late King *William* and Queen *Mary*, and her present Majesty, had given to the *French* Refugees, had prov'd no less advantageous to *Great Britain*; and therefore it would be a Piece of Barbarity, to make an Act which would debar many *French* Protestants of Means of subsisting, either by keeping publick Schools, or teaching in private Families; especially considering their late hard Usage, the Government not having for three Years last past, paid them any part of the fifteen thousand Pounds *per Annum*, allow'd by Parliament in the Civil List, towards the Maintenance of their Ministers and Poor. His Lordship concluded, with taking Notice of 'the fatal Consequences of per-

H h 'secuting

secuting the Dissenters in King Charles the First's Time, which kindled a furious and unnatural War, and ended in the total Overthrow of the Church and State, and in the King's Martyrdom.

The Lord Viscount *Townshend*, amongst other Arguments, in Behalf of the Cause which the Peer that spoke last espoused, represented the ill Effects of Persecution in general, and said to that Purpose, 'He had liv'd a long Time in *Holland*, and had observ'd, that the Wealth and Strength of that great and powerful Republick, lay in the Number of its Inhabitants: But that he was perswaded, if the States should cause the Schools of any one Sect tolerated in the *United Provinces*, to be shut up, they would be soon as thin of People as *Sweden* or *Spain*, whereas they then swarm'd with Inhabitants.

The Lord *North and Grey*, who spoke for the Bill, maintain'd the general Assertion of his Party, viz. *That the Church was in Danger from the Growth of Schism*. Whereupon the Earl of *Nottingham* said, 'He own'd he had been formerly of Opinion, *That the Occasional-Conformity of Dissenters*, was dangerous to the establish'd Church, and therefore he always promoted the Bill to prevent it. But the Church having then that Security, he believ'd her Safe, and out of Danger, and therefore he thought himself oblig'd in Conscience to oppose so barbarous a Law as that was, which tended to deprive Parents of their natural Right of educating their own Children. He added, 'That he had observ'd, both from History and his own Experience, that all the Persecutions that had

' had been rais'd in *England* against Schisma-
 ' ticks, originally proceeded from, and tended
 ' to favour Popery. His Lordship likewise ex-
 ' cepted against that Part of the Bill, which
 ' enacted, *That any Person who should keep any*
 ' *publick or private School*, or instruct any Youth
 ' or Tutor, should have a License of the re-
 ' spective Arch-bishop, or Bishop of the Place,
 ' &c. *My Lords*, said he, I have many Children,
 ' and I know not whether GOD ALMIGHTY
 ' will vouchsafe to let me live to give them
 ' the Education I could wish they had; there-
 ' fore, *my Lords*, I own I tremble, when I
 ' think that a certain Divine (meaning Dr.
 ' *Swift*, Dean of *St. Patricks*) is in a fair way
 ' of being a Bishop, and may one Day give
 ' Licenses to those who shall be intrusted with
 ' the Education of Youth.

Some other Lords made Speeches for and
 against the Bill, but the Lord High Treasurer
 contented himself with saying, *That he had not*
yet consider'd of it; but when he had, he would
vote according as it should appear to be either for
the Good or Detriment of his Country; and there-
fore he was for reading the Bill a second Time,
 which was agreed to without dividing, and put
 off to the *Monday* following. Accordingly it
 was then read a second Time, and referr'd to a
 Committee of the whole House. After which,
 their Lordships took into Consideration the Case
 of the *Dutch* and *French* Protestant Churches,
 which had been presented on the first reading
 of the said Bill. Hereupon there arose a small
 Debate, wherein the Bishop of *London* and the
 Lord *Halifax* argu'd very strenuously for those
 Reform'd Foreigners, and it was carry'd with-

out dividing, that a Clause should be inserted in Favour of the said Churches; in Consequence of which, the last of those noble Peers handed in the following *Queries* to the House, and desir'd their Lordships serious Consideration of them.

Query I. 'How *Schism* can be prevented, before it is clearly determin'd what it is? And whether those Men can justly be charg'd with it, who are united to the common Head of the Christian Church by Faith, and to all its Members by an hearty Love? And whether Dissenters are not within the Church, as it is defin'd in the XIXth Article of the Church of England, *having the pure Word of God preach'd among them, and the Sacraments duly Administer'd according to Christ's Ordinance, in all Things that of Necessity are requisite to the same?*

II. 'How any National Church, as far as it is favour'd or warranted by the Holy Scriptures, which all Protestants own for their Rule, can be in any real Danger from such Persons as those describ'd, or from their being left at Liberty to educate their Children in their own Way?

III. 'Whether it be not a Piece of Wisdom to learn from our Enemies? And when even in the *Romish* Communion, notwithstanding their high Pretensions to *Unity* and *Conformity*, there is yet a greater Diversity admitted among their religious Orders, why should not Protestants enlarge and strengthen themselves, by inclosing all they can in a Way of Forbearance, especially when they heartily fall in with the same Civil Government?

IV. 'Are

IV. ' Are not the *French* and *Dutch* Protestant Churches (to our great Satisfaction) allow'd to educate their own Children, without Dishonour to the Church or State? And shall this Privilege be deny'd to Natives, that are faithful and peaceable, merely because they are Dissenters?

V. ' Whether the treating such as Schismatics in the Reign of King *Charles II.* (to look no farther back) was not sensibly found to promote the Growth of Popery? And whether it may not reasonably be expected, that a like Cause should have a like Effect?

VI. ' Whether in the Reign that succeeded, it was not own'd by some eminent Prelates of the Church, with Arch-bishop *Sancroft* at their Head, as well as by the Marquess of *Halifax*, in his *Letter to the Dissenters*, (in which so many eminent Persons concurr'd, and which all that Time applauded) that too much Rigour had been us'd towards Persons of the same Religion, for differing in smaller Matters? And whether Promises were not then freely made of a different Treatment, and better Temper for the future, from the Pulpit, and in all Conversation?

VII. ' Whether the Bishops that have been advanc'd to that Honour since the *Revolution*, who have generally been Persons of the greatest Eminence, for Worth and Moderation, have not met with more Respect from the Dissenters, than from many who pretended to be zealous Members of their own Church? And whether it is a suitable Return for Persons of their Lordships Candor, to deal more hardly by them, and to their Children, than their Predecessors

‘ decessors ever attempted to do by their Fathers,
‘ as to their Descendants ?

VIII. ‘ Whether any Thing more tenderly
‘ affected the Protestants in *France*, than the
‘ denying them Liberty to educate their Chil-
‘ dren in their own Principles ? And whether
‘ that Method, which had all along been re-
‘ presented as so severe in a Popish Prince, can
‘ ever be fit to be countenanc’d by *Protestant*
‘ *Bishops, in a Protestant Country ?*

IX. ‘ Whether, if Popery should once more
‘ prevail among us, which some who are Orna-
‘ ments to the Bench of Bishops, have own’d
‘ to be no very remote Supposition, it would not
‘ be a most grating Reflection, when the Legisla-
‘ tors should demand the Education of the Chil-
‘ dren of all *Protestants*, to hear them insinuate,
‘ That their Lordships had set them the Pattern,
‘ by demanding the Education of the Children
‘ of *Dissenters ?*

X. ‘ Whether it can reasonably be expected
‘ that they should ever have the Courage to
‘ endure the fiery Tryal, (which is what, ac-
‘ cording to the foregoing Supposition, they may
‘ be call’d to) who, by any political Consid-
‘ erations should be kept from sheltering the
‘ Innocent ? And whether upon Supposition, any
‘ Members of their own Church should threaten
‘ them, if they acted according to the Principles
‘ by which they obtain’d their Preferments, it
‘ would not be more becoming to inform them
‘ better, and yield more Comfort, to set them
‘ an Example of Steadiness, than to harden and
‘ embolden them, by yielding to them in a Me-
‘ thod of treating Brethren, that is neither Scrip-
‘ tural or Rational ?

XI. ‘ Whe-

XI. ' Whether it be seemly for Guides of the Church to pass such a Censure upon the Assembly's Catechism, as if it were not fit to be taught, when there is nothing to be found in it, but what agrees with the Doctrine, and nothing that is opposite to the Government of their own Church? And how it can be reconcil'd with the Honour and Veracity of their Lordships, to allow no other Catechism than that which cannot be answer'd to with Truth by the Children of Dissenters, who had no God-fathers or God-mothers to give them their Names.

XII. ' Whether the *Ecclesiastical Courts* have not, from the first Reformation, been own'd a great Grievance by the best Prelates and Members of the Church of *England*? Whether they have not, upon Occasion, been freely inveigh'd against by many who are at present on the Bishop's Bench? And whether there be any such Evidence of their Amendment, as can justify their now concurring to support and encourage them?

' And lastly, Whether the passing such a Bill into a Law, be not more likely to spread Animosities, increase Uncharitableness, and perpetuate Division, than prevent the Growth of what is call'd *Schism*? And, whether this be not as evident, and that publickly branding a Body of Men, will inflame the People against them; and that Severity on the one Hand, tends to exasperate the Sufferers.

On the *Wednesday* following, the Lords, in a Committee of the whole House, whereof the Lord Arch-Bishop of *York* was Chair-man, took the said Bill into Consideration again, and examin'd

min'd it Paragraph by Paragraph, from one in the Afternoon, 'till eight in the Evening. The Bishop of London, who was one of the first that spoke in that Day's Debate, said, 'That the Dissenters had made the Bill necessary, by their 'Endeavours to propagate the Schism, and to 'draw the Children of Church-men to their 'Schools and Academies.'" To which, the Lord Halifax answer'd, *That what they did, was with the Consent and Knowledge of their Parents, who, in many Places, had not sufficient Means to educate their own Children;* and his Lordship took from thence an Opportunity to move, *That since the Bill was occasion'd, as was suggested, by the Dissenters endeavouring to express the Education of Youth of both Perswasions, they might be allow'd Schools to educate their own Children.* Which Motion being form'd into a Question, his Lordship spoke on the Side of the Affirmative, after this Manner: *What, my Lords, said this worthy Patriot, shall we cut our Protestant Brethren the Dissenters, at one Stroke, from the Benefit of many and many Acts of Parliament made in their favours? Shall we wound them to the very Heart, for no other Crime, than their Care to bring up their Children to the best Way and Manner they think most conducive to their present and everlasting Welfare. ? They are sensible of the Benefits of religious Education, and would gladly have their Children to enjoy that Advantage of being at the Expence of their Education in the same Principles they themselves have imbib'd. None can love them better than they do; none are so immediately and directly charg'd by the Great God with their Education, as they are; none can be more solicitous to find out for them such Instructions as may set them a good Example, and have watchful Eyes over them,*

that their tender Minds may not be early defil'd with Vanity and Vice. They desire not to have them train'd up in Prejudice to any Body of Protestants in this Nation, nor perplex'd with Matters of doubtful Disputation; their Request is, that they may be left as free and unbias'd as can be in such Things, till they are capable of forming a Judgment for themselves: And who can blame them, if they would not have them in their Childhood taught to despise and reproach what their Parents esteem nothing but plain Scriptural Christianity? They would not have Prejudice infus'd into them so early, against their own Profession and Practice, which must necessarily destroy that Reverence they ought to have for them, very much disturb the Order and Peace of their Families, and lessen the Pleasure and Comfort they promise themselves in them. I would, as much as possible, avoid any offensive Insinuations, and yet cannot but observe, that among the Arts that Julian the Apostate us'd to extirpate Christianity, one was to lay a Restraint upon their Schools, tho' he proceeded not so far as to suppress them wholly. Those Schools were prohibited, in which Rhetorick and Philosophy were taught, that the Professors of Christianity might be render'd incapable of defending it. The Extirpation of the re-form'd Religion in France, was also introduc'd by the Prohibition of their Schools; first, of those wherein the LIBERAL ARTS and SCIENCES were taught, in the Year 1670, while the Reform'd had still Liberty to teach Reading, Writing, and Accompts; but the very next Year they were limited to one School in a Town, and that only in those Places where the publick Exercise of their Religion was permitted, which was then confin'd to a narrow Compass, and so on, till in Process of Time wholly taken away. I am far, my Lords, from comparing the Church of Eng-

land to Paganism or Popery; but since we know their Dissent is Conscientious, by how much less the Things are suppos'd to be in which they differ from us, so much more Reason have they to expect Favour and Indulgence at our Hands.

The Lord Cowper, and the Earl of Sunderland, and some other noble Peers, spoke on the same Side; but the Lord Viscount Bolingbroke, the Earls of Anglesea and Abingdon, with the Duke of Buckinghamshire, and the Lord Chancellor, insisted on the Negative, which was at last carry'd by 62 Voices against 48. Then the Lord Halifax mov'd, That Dissenters might, at least, have School-Mistresses to teach their Children to read; which, after a Debate of about half an Hour, was carry'd without a Division; as was also a Clause, 'That that Act should not extend to any Person, who should instruct in Reading, Writing, Arithmetick, or any Part of Mathematical Learning only, so far as such Mathematical Learning related to Navigation, or any mechanical Art only.' After this, their Lordships examin'd that Part of the Bill, whereby the Convictions of Offenders against that Act, was left to the *Justices of the Peace*; and after a warm Dispute, it was carry'd by a Majority of 59 Votes against 54, that the Conviction should be in the ordinary Course of Justice, viz. Upon an Information, Presentment, or Indictment, in any of her Majesty's Courts of Record at Westminster, or at the Assizes, or before Justices of Oyer and Terminer. The Court Party finding, by this last Division, that they lost considerable Ground; and being apprehensive that other Amendments would render the Bill altogether useless, mov'd, That the Chair-

man

man might leave the Chair. But tho' the contrary Side at first oppos'd it, yet, after some Debate upon the Penalty to be inflicted on the Offenders, both Parties being equally tir'd, they adjourn'd themselves to the next Day.

Accordingly the Debate about the Penalties was again resum'd, and the Lord Halifax manag'd the Controversy with that Dexterity, as to fix the same to three Months Imprisonment: After which, he obtain'd, that Persons aggriev'd, might appeal from Ecclesiastical Censures, as in Cases of ordinary Jurisdiction. He likewise propos'd, and carry'd a Clause to exempt from the Penalties of that Act, any Tutor who should be employ'd by a Noble-Man or Noble-Woman, to teach in their Families, provided such Tutor did, in every Respect qualify himself according to that Act, except only in that of taking a License from the Bishop, wisely foreseeing, that a Handle would be given from that Amendment, for the Commons to cavil at it, which might be a Means of throwing out the Bill. Nor was he out in part of his Conjecture, since, when that very Clause was afterwards read in St. Stephen's Chapel, Mr. Stanhope, now Secretary of State, propos'd, That the Tutors in the Families of the Members of that House, might be put on the same Foot, which those who taught in the Families of a Noble-Man or Noble-Woman, were on, it being reasonable to suppose, that the Members of that House, many of whom were of a noble Extraction, and had as great Concern as the Lords, for the Education of their Children, and an equal Right to take Care of their Instruction. But Mr. Hungerford was very plain, and represented, That the least Alteration

might occasion the Loss of the Bill, whereby Mr. Stanhope's Motion was drop'd.

On the Day following, their Lordships, still in a Grand Committee, consider'd farther of the said Bill to prevent the Growth of **Schism**, &c. and the Earl of *Anglesea* mov'd, That a Clause might be inserted therein, to extend that *Act* to Ireland; when the Lord *Halifax* oppos'd him, by representing to that illustrious Assembly, That the *Papists* in that Kingdom were, at least, eight to one Protestant, (all Denominations included) by a Computation allow'd in the late *Irish* House of Commons. That a very great Part of the Protestants in Ireland, dissented from the establish'd Church. That the Dissenters in Ireland, were a well-united Body of Protestants, inhabiting principally the Province of *Ulster*, where the Strength of the *British* Interest lay. That Ireland was so near to *Scotland*, that many *Scotch* Families did transport themselves, with their Effects, thither, which might in Time exceedingly strengthen the *British* Interest, if the Lenity of the Government against Protestant Dissenters were continu'd: That the Protestant Dissenters, in Ireland, had always been very loyal and dutiful Subjects; and they were, generally speaking, a Body of sober Christians. That they were already very much discourag'd, by the want of a legal Toleration, which their Brethren in England, and those of the Episcopal Persuasion in Scotland, did enjoy: That they were equally with their Brethren of the establish'd Church, expos'd to the merciless Rage of the *Irish* *Papists*, who, in the Year 1641, murder'd above two hundred thousand Protestants, without

' without any Regard to their Denominations.
 ' That there was not a single Instance of one
 ' Jacobite to be found amongst them; their
 ' Ministers, who were above one hundred and
 ' fifty, having all taken the *Oath of Abjuration*,
 ' excepting three, two of whom neither preach'd,
 ' nor appear'd in Publick; and the other was
 ' committed to Goal, without Bail, or Mainprise,
 ' and fin'd 500 l. They likewise pray'd con-
 ' stantly for the QUEEN, and the *Protestant*
 ' *Succession* in the illustrious House of HANOVER;
 ' and would have taken the aforesaid Oath, if,
 ' instead of these Words, *As it stands limited*
 ' *by, &c.* the Words had been, *Which is settled*
 ' *by, &c.* That it did not appear advisable to
 ' oblige the Protestant Dissenters in Ireland,
 ' to remove into other Countries then, when
 ' the Emissaries of a Popish Pretender, were
 ' listing and transporting to France, great
 ' Numbers of *Irish Papists*; promising, that they
 ' should speedily return with their Master, when,
 ' 'twas possible, the Tragedy of 1641 might
 ' be acted over again. That their Sufferings
 ' and Services on the late *Happy Revolution*, when
 ' they made a glorious Stand against the *Irish*
 ' *Papists* and *French Auxiliaries*, by the noble
 ' Defence of Londonderry and Iniskillin, in which
 ' they had so great a Share, ought not so soon
 ' to be forgotten: That her sacred Majesty had
 ' often assur'd them of her Protection: And,
 ' lastly, That it might hinder the Conversion
 ' of *Irish Papists*, if they saw Protestants biting
 ' and devouring one another, and perceiv'd the
 ' worst Part of their Religion, viz. *Persecution*
 ' for Conscience sake, to prevail in the National
 ' Church." Yet, tho' the Duke of Shrewsbury,
 Lord-

Lord-Lieutenant of Ireland, seconded his Lordship's Reasons for rejecting the Clause, with great Force of Judgment and Truth, it was carry'd in the Affirmative by one Voice: After which, the Amendments to the Bill were reported, and the Question being whether the Clause relating to *Ireland*, should stand, it was carry'd in the Affirmative by 6 Voices, viz. 57 against 51; and then the Bill was read a third Time, and agreed to by 79 Votes against 71; tho' not before his Lordship, by his Interest in the House, had so castrated it, that all the malicious and persecuting Parts, form'd to ruin Families, and oppress the Poor, were well nigh taken out of it; by which Means he left it unable to do the Mischief which it was design'd, tho' not without drawing up a Protest, which several noble Lords of high Rank and Esteem sign'd with him, and ran as follows.

Dissentient.

I. We cannot apprehend, (as the Bill recites) that great Dangers may ensue from the Dissenters to the Church and State.

Because, 1. By Law, no Dissenter is capable of any Station, which can be suppos'd to render him dangerous. 2. And since the several Sects of Dissenters differ from each other, as much as they do from the establish'd Church, they can never form of themselves a National Church; nor have any Temptation to set up any one Sect among them; for in that Case, all that the other Sects can expect, is only a Toleration, which they already enjoy by the Indulgence

Indulgence of the State, and therefore it is their Interest to support the establish'd Church, against any other Sect that would attempt to destroy it.

II. If, nevertheless, the Dissenters were dangerous, Severity is not so proper and effectual a Method to reduce them to the Church, as a charitable Indulgence; as is manifest by Experience, there having been more Dissenters reconcil'd to the Church since the Toleration, than in all the Time since the Act of Uniformity, to the Time of the said Act of Toleration: And there is scarce one considerable Family in England, in Communion with the Dissenters. Severity may make them *Hypocrites*, but not *Converts*.

III. If Severity could be suppos'd ever to be of Use, yet this is not a proper Time for it, while we are threaten'd with much greater Dangers to our Church and Nation, against which, the Protestant Dissenters have join'd, and are still willing to join with us in our Defence: Therefore we should not drive them from us, by enforcing the Laws against them, in a manner which of all others, must most sensibly grieve them, viz. the Education of their Children; which reduces them to a Necessity of either breeding them in a Way they do not approve of, or leaving them without Instruction.

IV. This must be more grievous to the Dissenters, because it was little expected from the Members of the establish'd Church, after so favourable an Indulgence as the Act of Toleration; and the repeated Declarations and Professions from the Throne, and former Parliaments, against Persecution, which is the particular

ticular Badge of the *Romish* Church, that avows and practises these Doctrines; and yet this has not been retaliated even upon the *Papists*; for all the Laws made against them, have been the Effects of just Punishment of Treasons committed from Time to Time against the State: But it is not pretended that this Bill is design'd as a Punishment of a Crime which the Protestant Dissenters have been guilty of against the Civil Government, or that they are disaffected to the Protestant Succession as by Law establish'd; for in this their Zeal is conspicuous.

V. In all Instances of making Laws, or of a rigid Execution of the Laws against Dissenters, it is very remarkable that their Design was to weaken the Church, and to drive them into one common Interest with the *Papist*, and join in Measures tending to the Destruction of it. This was the Method suggested by Popish Councils, to prepare them for the two successive Declarations in the Time of King *Charles II.* and the following one issu'd by King *James II.* to ruin all our civil and religious Rights. And we cannot think that the Arts and Contrivances of *Papists*, to subvert our Church, are proper Means to preserve it, especially at a Time when we are in more Danger of Popery than ever, by the Designs of the *Pretender*, supported by the mighty Power of the *French King*, who is engag'd to extirpare our Religion, and by great Numbers in this Kingdom, who are professedly in his Interest.

VI. But if the Dissenters should not be provok'd by this Severity, to concur in the Destruction of their Country, and the Protestant Religion,

Religion, yet we may justly fear they may be driven, by this Bill, from *England*, to the great Prejudice of our Manufactures; for as we gain'd them by the Persecution Abroad, so we may lose them by the like Proceedings at Home.

VII. The Miseries we apprehend here, are greatly enhanc'd, by extending this Bill to *Ireland*, where the Consequences of it may be fatal; for since the Number of *Papists*, in that Kingdom, far exceeds the *Protestants* of all Denominations together, and that the Dissenters are to be treated as Enemies, or at least as Persons dangerous to that Church and State, who have always, in all Times, join'd, and still continue to join, with the Members of that Church, in their common Defence against the common Enemy of Religion; and since the Army there is very much reduc'd, the Protestants thus unnecessarily divided, seem to us to be expos'd to the Danger of another Massacre, and the Protestant Religion in Danger of being extirpated. And we may farther fear, that the *Scots* in *Britain*, whose National Church is Presbyterian, will not so heartily and zealously join with us in our Defence, when they see those of the same Nation, same Blood, and same Religion, so hardly treated by us.

And this will still be more grievous to the Protestant Dissenters in *Ireland*, because, while the Popish Priests are register'd, and so indulg'd by Law, as that they exercise their Religion without Molestation, the Dissenters are so far from enjoying the like Toleration, that the Laws are, by this Bill, enforc'd against them.

K k (E) Tor.

(E) Torrington,

(E) Nottingham,

(M) Dorchester,

(E) Radnor,

(E) Middlesex and
Dorset.(D) Schomberg and
Lemster,

(V) De Longueville,

Lords BISHOPS.

(V) Townshend,

J. Ely,

(E) Greenwich, D. of
Argyle,

Jo. Bangor,

(E) Wharton,

Jo. Landaff,

(E) Sunderland,

W. Lincoln.

(E) Carlisle,

(E) Orford,

(D) Somerset,

(Ld) Cowper,

(D) Bolton,

(Ld) Cornwallis,

(D) Grafton,

(Ld) Rockingham,

(D) Devonshire,

(Ld) Somers,

(E) Scarborough,

(Ld) Haverham,

(E) Derby,

(Ld) Foley,

(E) Lincoln,

(Ld) Halifax.

What related farther to his Lordship, was,
 ' that the House of Commons having presented
 ' an Address of Thanks to her Majesty, for her
 ' great Concern for the Succession in the House
 ' of HANOVER, by issuing so seasonably a
 ' Proclamation for apprehending the Pretender,
 ' (on the 24th of June). &c. and to assure her
 ' Majesty, that that House would cheerfully
 ' aid and assist her, by granting out of the first
 ' Aids to be given her, the Sum of one hundred
 ' thousand Pounds, alive or dead, as a farther
 ' Reward to any who should perform so great
 ' a Service; " the Lord Halifax made a Mo-
 ' tion of the same Nature, and was seconded by
 ' the Earls of Nottingham and Wharton; the last

of which, holding the Queen's Proclamation in his Hand, did most pathetically lament her Majesty's owning, that her Endeavours to remove the Pretender from *Lorain*, had been ineffectual. 'Unhappy Princess! said he, how much her Condition is alter'd! Will Posterity believe, that so great a QUEEN, who had reduc'd the exorbitant Power of *France*, given a King to *Spain*, and whose very Ministers have made the Emperor, and the States General tremble, should yet want Power to make so petty, so inconsiderable a Prince, as the Duke of *Lorain*, comply with her just Desire of his removing out of his Dominions, the Pretender to her Crown? After which, none of the Peers speaking against the said Motion, the said Address was presented, and had in Return, a most gracious Answer.

It is here to be observ'd, that the Lord Viscount *Bolingbroke*, who, at the Time of their Lordships voting the foregoing Address, was absent from the House, came into it just as it was carry'd in the Affirmative, and appearing somewhat surpriz'd at that Resolution, said, 'That there was a more effectual Way to secure the Succession in the House of *Hanover*.' Whereupon the Lord *Hallifax* expressing his Desires that he would propose it to the House, his Lordship mov'd, That a Bill might be brought in to make it High Treason for any Person to list, or to be listed in the Service of the Pretender: Which occasion'd the Noble Peer, whose MEMOIRS are now under Recital, to represent, 'That such a Bill was altogether needless, both the Pretender, and all his Adherents and Abettors, being already attainted of High Treason: However,

' he should be glad such a Bill was brought in, be-
 ' cause, with some Alterations, it might be made
 ' a very good one.' His Lordship having said
 this, a Bill was brought in, and read the first
 and second Time, after which, in a Committee
 of the whole House, (the Lord Bolingbroke Chair-
 man) the Lord Halifax made it his chief Bu-
 siness to shew, ' That the Pretender was in-
 ' considerable of himself, and not to be fear'd,
 ' but so far as he was countenanc'd and pro-
 ' tected by the French King, whose Interest,
 ' and constant Design was to impose him up-
 ' on the Realms of Great Britain and Ireland;
 ' and therefore he mov'd, and it was agreed, That
 the Title of the BILL should be, To prevent
 listing her Majesty's Subjects, to serve as Soldi-
 ers, without her Majesty's License; and that it
 should be High Treason to list, or to be listed,
 to serve any foreign Prince or State, or Potentate,
 without a License under the Sign Manual of her
 Majesty, her Heirs, or Successors. Moreover, the
 following Proviso was mov'd by the same Noble
 Peer, viz. That no License should be effectual to
 exempt any Person from the Penalties of that Act,
 who should list, or cause to be listed in the Service
 of the French King, until after the said French
 King should have disbanded, broke, and dismiss'd, all
 the Regiments, Troops, or Companies of Soldiers,
 which he had, or might have had in his Service,
 consisting of the natural-born Subjects of the Crown
 of Great Britain: The said Act to continue in
 Force three Years. Which Amendments made
 to the Bill, were reported and agreed to by
 the Lords, who sent it down to the Commons,
 who very readily gave it their Concurrence.

This

This being obtain'd, as his Lordship had very much at Heart the Commerce of the Nation, so he shew'd his Zeal for the Encouragement of it, when the Peers took several Papers relating to the Trade with *Spain* and the *West-Indies*, into their Consideration. In this Debate, the Earl of *Nottingham* open'd that important Matter, and made it plainly appear, that considering the Discouragement to which that Trade was subjected, by the Explanation of the third, fifth, and eighth Articles of the Treaty of Navigation and Commerce, between *Great Britain* and *Spain*, which Explanations were made at *Madrid*, after the signing of the said Treaty at *Utrecht*, it was impossible for our Merchants to carry on that Trade without certain Loss. His Lordship supported his Arguments by a Letter written by an *English* Factor in *Spain*, to his Principals, and was seconded by the Lord *Cowper*. Therefore the Lord *Bolingbroke* did what in him lay to answer their Objections; and among other Things, excepted against that Letter, which he pretended was forg'd in *London*. The Lord *Halifax* stood up next, and made an excellent Speech, wherein he represented, 'how the most beneficial Branch of Commerce, the Trade, for the Recovery of which, the Nation enter'd into the late expensive War, had been given up, and neglected.' And when the Lord *Bolingbroke* spoke in Defence of the Ministry, he not only confuted his Allegations on that Head, but, as a Testimony of his own Assertions, mov'd, that Sir *William Hodges*, and about thirty more eminent *Spanish* and *West-India* Merchants, might be call'd in, who, by their Testimonies strengthen'd what he himself had alledg'd,

alleg'd, by unanimously averring, *That unless the Explanations of the three Articles above-mention'd, were rescinded, they could not carry on their Commerce without losing 20 or 25 per Cent.* When, after an Examination and Debate, that lasted to near Seven in the Evening, the Lords resolv'd, upon a Motion from the said Lord *Halifax*, to address the Queen to cause all the Papers relating to the Negotiation of the Treaty of Commerce with Spain, to be laid before them, together with the Names of the Persons who advis'd her Majesty to that Treaty. To which Address, the Queen made Answer, *'That being given to understand that the three explanatory Articles of the Treaty of Commerce, were not detrimental to the Trade of her Subjects, she had consented to their being ratify'd with the said Treaty.'* Hereupon, no Mention being made of the Persons that advis'd her Majesty to ratify those Articles, the coming at the Knowledge of whom, was the chief Design of their Lordships Address, the Lord *Halifax*, among others, excepted against that Answer, as unsatisfactory, and represented, *'That if so little Regard was had to the Addresses and Applications of that August Assembly, to the Sovereign, they had no Business in that House.'* After which, his Lordship mov'd, *That a Representation should be made to the Queen, to lay before her the insuperable Difficulties that attended the Spanish Trade on the Foot of the late Treaty, which was agreed to be presented, and had, by way of Reply from her Majesty, That it had been her Care to procure all possible Advantages for her Subjects in Trade, and she should continue her utmost Endeavours to obtain farther*

Benefits

Benefits, and particularly in the Trade with Spain, which was so useful to her Subjects. But a Motion being made from the same Lord, "for insisting on her Majesty's naming the Persons who advis'd her to ratify the three explanatory Articles;" but the Courtiers, by their Dexterity, warded off that Blow, which was chiefly level'd at the Lord Bolingbroke, and his Agent Arthur Moore, Esq;

However, his Lordship was successful in a Motion he made, That a Message should be sent to the Commons, to desire that such Members of their House who were Commissioners for Trade and Plantations, might have Liberty to go to the House of Peers; whereupon the Consideration of the Spanish Trade again reviv'd, and the Lord Halifax, who began the Debate, said, among other Things, ironically, He did not doubt, but one of those Gentlemen could make appear that the Treaty of Commerce with Spain, was very advantageous. Which was meant of Mr. Arthur Moore, who had the chief Management of that Affair, and contradicted himself in several Questions put to him by the Lord Comper, about the three Articles. This was aggravated by the Confession of the other Commissioners, in particular Robert Monckton, Esq; who declared, (for which he was soon after turn'd out of that Commission) "That Mr. Moore had shewn him a Letter, directed to Don Arturio Moro, importing, that he must not expect the 2000 *Louis d'Ors per Annum*, that had been promis'd him, unless he got the three explanatory Articles ratify'd." Mr. Whylocke, also First Clerk to the Commissioners, and private Secretary to Mr. Moore, was examin'd upon Oath, and in Conscience

Conscience oblig'd to say many Things to his Master's Disadvantage; which had well nigh ended in the Censure of the said Commission; when the Court-Party in the House, mov'd, and insisted, that the House should immediately resolve it self into a grand Committee upon the Lottery-Bill, well knowing, that as soon as that Bill should be got ready for the Royal Assent, her Majesty would be easily prevail'd with to prorogue the Parliament, in order to prevent any farther Enquiries relating to the Commerce with Spain, and the *Assiento*; but it was carry'd by a Majority of nine Voices, that the said Committee should be put off to the next Day, when the Lottery-Bill was read a third Time.

Yet this was not done before their Lordships had taken the Trade with Spain into their farther Consideration; when it appear'd, by the Confession of Mr. Lowndes, Secretary, and of Mr. Taylor, First Clerk to the Lord Treasurer, that they were only nominal Assignes for the quarter Part of the *Assiento* Contract reserv'd for her Majesty; and that some Persons, to them unknown, (but who were very strongly suspected to be the Lord Bolingbroke, Lady Massam, and Mr. Arthur Moore) were to have the Benefit of it. Upon which, the Lord Halifax made a fine Speech, wherein it appear'd, ' That the Uncertainty and Suspense in which ' the South-Sea Company had been a long Time ' kept, whether her Majesty would retain to ' herself, or give to the Company, the quarter ' Part of the *Assiento* Contract therein reserv'd ' to her, had been the principal Obstruction to ' the Company's carrying on that Trade; and ' mov'd for an Address to her Majesty, that she ' would

' would give to the *South-Sea Company* not only
 ' her quarter Part of the *Assiento Contract*, but also
 ' the Seven and a half per Cent. granted to Ma-
 ' nuel Gilligan, Esq; and any other Profits ari-
 ' sing from the said Contract." But the Questi-
 on was carry'd in the Negative by 12 Voices,
 and follow'd by another given in by the Earl of
Anglesea; by the carrying of which, it was re-
 solv'd by 56 Voices against 40, ' That the
 ' Thanks of the House should be presented to her
 ' Majesty, for having generously given Licenses
 ' for two Ships of 500 Tons each, &c. with the
 ' *Assiento Contract*, to the said Company, with their
 ' humble Desires, that such other Advantages
 ' which were, or might be vested in her Majesty,
 ' might be dispos'd of to the Use of the Publick."
 To which that Princess, in the Close of her
 Answer, reply'd, *That she would dispose of them, as*
she should think best for her Service. An Answer
 that was very ill relish'd, not only by the Whig
 Lords, but by the Earl of *Anglesea* himself, who
 had made the Motion for that Address. Inso-
 much, that the Lord *Halifax*, and other Mem-
 bers of the same Opinion with him, took Occa-
 sion from thence, to complain ' of her Majesty's
 ' Silence, in Relation to the Desire of that House,
 ' that she would be graciously pleas'd to name
 ' the Persons who advis'd her to ratify the three
 ' *explanatory Articles*;" and some hot Speeches
 were made on both Sides on that nice Affair.
 But the *Lottery-Bill* being ready, which was the
 last Money-Bill the Court stood in Need of
 for that Session, the Queen came to the House
 that very Day, and put an End to that warm
 Debate, by giving it the Royal Sanction, with
 other publick and private Bills.

The Demise of the Queen, which the Lord *Halifax* dutifully lamented; falling out in so surprizing a manner, and in the midit of such Attempts to defeat that Succession which he had ever made it his utmost Endeavour to promote, gave his Lordship an Opportunity to serve the Illustrious House of *Hanover* in being one of the Representatives of the Head of it: For he found himself nominated to be one of the Lords of the Regency during his then Majesty's Absence from his Kingdoms; which high Trust he discharg'd, with the rest of his noble Coadjutors in the Administration, with an unreserv'd Attachment to his Royal Master's Interest, and the greatest Fidelity. He had it now in his Power to act as one of the Delegates of that Prince, whose Rights he had defended with such an Intrepidity of Heart and Speech, as to deprive him of the Favour of his deluded Predecessor; and therefore he that had been so fervent and undisguis'd in his Services to the Elector of HANOVER, could not but meet with kind and grateful Acknowledgments from KING GEORGE.

As an Earnest of this, his Majesty had no sooner taken Possession of the Throne, but he shew'd him the most distinguishing Marks of his Favour, not only admitting him into his most secret Councils and Retirements, but continuing and appointing him First Commissioner of the Treasury, with Intention no doubt, to have fix'd the Government of it wholly and solely in him, when it should have been thought fitting and safe to intrust the Direction of his Royal Exchequer to one Hand; having been graciously pleas'd to give his Lordship the Liberty of resigning his Post of Auditor of the same, to his Nephew
the

the honourable *George Montague*, Son of his eldest Brother, and Member of Parliament for *Northampton*; his Majesty not being content with shewing his Value for a Person of his Merit, by conferring upon him Offices of Advantage and Emoluments to better his Fortune, would likewise give Increase to his Fame and Reputation, by creating him Earl of *Halifax*, and admitting him into the Number of his Associates, as Knight Companion of the Noble Order of the Garter; which more than one Crown'd Head had thought it an Honour to have a Grant of.

Nor did his Lordship take so much Lustre from this Addition to his former Honour, as he gave to it; but as he grew more and more in his Royal Master's Favours, so his Reverence to his Sovereign, and his Condescension to his fellow Subjects, made him the less envy'd in his Enjoyment of it. The Magnificence of his, and his illustrious Companions Infralment, which was scarce ever exceeded on the like Occasion, made it appear, that they had a Liberality of Soul, almost equal to that Prince who had done every Thing for them, but made them his Equals.

Never was Subject more carress'd by, or endeared to a Sovereign, than the Earl of *Halifax*, and never did Subject make more dutiful Returns. He nightly and dayly watch'd for his Master's Preservation, and made it his continu'd Study to defeat the Measures that were invasive of his Quiet, by disturbing the publick Peace. But he made use of such healing Restoratives for the Conservation of it, that gain'd him the Affection of the one Party, while he was a strict Adherer to the other; and tho' he was known

to be in the Interest of the last, work'd himself so into the Belief of the first, as to be highly held in Esteem by them, and thought none of their Enemy. In a Word, the Coolness of his Determinations, and yet the Quickness of his Apprehension, the Solidity of his Judgment, yet the Readiness of his Wit, the Sobriety of his Way of Living, yet the Vivacity that he express'd himself with in Conversation, were such amazing Indications of a Genius, that knew how to enjoy the very Troubles of Life, by turning Business into Pleasure; that he must have arriv'd at the highest Pitch of Indolence, without any manner of Concern for the Improvement or Welfare of Mankind, that could have done otherwise than have wish'd the Continuance of his precious Life to be as lasting, as it was of Use and Advantage to his King and Country.

But as the most exquisite Pieces of Art, are the least durable, so this consummate and approv'd Statesman, while he was in the midst of his consultations for the publick Tranquility, while he had the Promises of old Age as it were, convey'd unto him, both in a vigorous and healthy Countenance, was suddenly taken ill on *Sunday* the 15th of *May*, 1715, at the House of *Mynheer Durenuoord*, one of the *Dutch* Embassadors.

His Lordship's Disease was at first judg'd by *Sir John Shadwell*, Principal Physician to the King, and *Dr. Seigertball*, his Majesty's *German* Physician, who consulted with *Sir Richard Blackmore*, and *Dr. Mead*, to be a Pleurisy attended with a high Fever, for which those learned Persons gave proper Remedies; but his Illness increasing with great Violence, his Lordship resign'd to Fate, on *Thursday* the 19th Day of the same Month.

Month. His Body being open'd, his Distemper was found to be a *Peripneumonia*, or Inflammation of the Lungs.

On the 26th of May, his Corpse was carry'd from the *Jerusalem Chamber*, and interr'd in General Monk's Vault, in *Westminster-Abbey*, where he now sleeps among the Remains of those honourable and learned Personages, deposited in that venerable Structure, who have increas'd their Number more than once, out of his Lordship's Family; that has been as fruitful of great and good Men, as any that ever went before, or will come after him.

By his Death, his Title of Baron devolv'd, (according to the Patent given for creating him one,) on his Lordship's Nephew, *George Montague*, who being the Inheritor of his Vertues, as well as the greatest Part of his Estate, in Consideration of his Uncles and his own Services, has been since advanc'd to the Title, which his deceas'd Lordship dy'd possess'd of. What remains, is, to give his Lordships Character, drawn by Men of Letters, since I must hold my self unequal to that Task. *Sir Richard Steele*, * addressing to his Lordship, says,

' It is not retiring from the World, but enjoying its most valuable Blessings, when a Man is permitted to share in your Lordship's Conversation in the Country. All the bright Images which the Wits of past Ages have left behind them in their Writings, the Noblest Plans which the greatest Statesmen have laid down for the Administration of Affairs, are
equally

* *Yad. Dedication to the Tatler, Vol. IV.*

' equally the familiar Objects of your Know-
 ' ledge. But what is peculiar to your Lord-
 ' ship, above all the illustrious Personages that
 ' have appear'd in any Age, is, that Wit and
 ' Learning have, from your Example, fallen in-
 ' to a new *Æra*. Your Patronage has produc'd
 ' those Arts, which before shun'd the Com-
 ' merce of the World, into the Service of Life;
 ' and it is to you we owe that the Man of Wit,
 ' has turn'd himself to be a Man of Business.
 ' The false Delicacy of Men of Genius, and
 ' the Objections which others were apt to in-
 ' sinuate against their Abilities for entering into
 ' Affairs, have equally vanish'd. And Experi-
 ' ence has shewn, that Men of Letters are not
 ' only qualify'd for a greater Capacity, but also
 ' a greater Integrity in the Dispatch of Busi-
 ' ness. Your own Studies, have been diverted
 ' from being the highest Ornament, to the high-
 ' est Use to Mankind; and the Capacities that
 ' would have render'd you the greatest Poet
 ' of your Age, have, to the Advantage of *Great*
 ' *Britain*, been employ'd in Pursuits which have
 ' made you the most able and unbyass'd Patriot.
 ' A vigorous Imagination, an extensive Appre-
 ' hension, and a ready Judgment, have di-
 ' stinguish'd you in all the illustrious Parts of
 ' Administration, in a Reign attended with such
 ' Difficulties, that the same Talents, without
 ' the same Quickness in the Possession of them,
 ' would have been incapable of conquering. The
 ' Natural Success of such Abilities, has advanc'd
 ' you to a Seat in that illustrious House, where
 ' you were receiv'd by a Crowd of your Relati-
 ' ons.

The same Gentleman again, in his Dedication to Vol. II, of his Spectators, addressing himself to his Lordship, says,

“ While I busy my self as a Stranger upon Earth, and can pretend to no other than being a Looker on, you are conspicuous in the busy and polite World, both in the World of Men, and that of Letters. While I am silent and unobserv’d in publick Meetings, you are admir’d by all that approach you, as the Life and Genius of Conversation. What an happy Conjunction of different Talents meets in him, whose whole Discourse is at once animated by the Strength and Force of Reason, and adorn’d with all the Graces and Embellishments of Wit! When Learning irradiates common Life, it is then in its highest Use and Perfection; and it is to such as your Lordship, that the Sciences owe the Esteem, which they have with the active Part of Mankind. Knowledge of Books in recluse Men, is like that sort of Lanthorn which hides him who carries it, and serves only to pass through secret and gloomy Paths of his own: But in the Possession of a Man of Business, it is as a Torch in the Hand of one who is willing and able to shew those, who are bewilder’d, the Way which leads to their Prosperity and Welfare. A generous Concern for your Country, and a Passion for every Thing that is truly Great and Noble, are what actuate all your Life and Actions.

Mr. Tickell, speaking of the same Noble Person, in his Dedication to his Memory, after his Decease, gives the following Character of his Lordship,

His

‘ His consummate Knowledge in all kinds of
 ‘ Business, his winning Eloquence in publick As-
 ‘ semblies, his active Zeal for the Good of his
 ‘ Country, and the Share he had in conveying
 ‘ the Supreme Power to an illustrious Family,
 ‘ for being Friends to Mankind, are Subjects easy
 ‘ to be enlarg’d upon, but incapable of being
 ‘ exhausted.

‘ He rested not in a barren Admiration of
 ‘ the polite Arts, wherein he himself was so
 ‘ great a Master, but was acted by that Huma-
 ‘ nity they naturally inspire; which gave Rise
 ‘ to many excellent Writers, who have cast a
 ‘ Light upon the Age in which he lived, and will
 ‘ distinguish it to Posterity. It is well known,
 ‘ that very few celebrated Pieces have been pub-
 ‘ lish’d for several Years, but what were either
 ‘ promoted by his Encouragement, or supported
 ‘ by his Approbation, or recompenc’d by his
 ‘ Bounty. And if the Succession of Men who excel
 ‘ in the most refin’d Arts, should not continue,
 ‘ tho’ some may impute it to the Decay of Ge-
 ‘ nius in our Country-Men, those who are ac-
 ‘ quainted with his Lordship’s Character, will
 ‘ know more justly how to account for it.

‘ The Cause of Liberty will receive no small
 ‘ Advantage in future Times, when it shall be
 ‘ observ’d, that the Earl of *Halifax* was one of
 ‘ the Patriots who were at the Head of it; and
 ‘ that most of those who were Eminent in the
 ‘ several Parts of polite or useful Learning,
 ‘ were by his Influence and Example, engag’d
 ‘ in the same Interest.

FINIS.

**A true COPY of the last
Will and Testament of CHARLES
Lord HALIFAX.**



HIS is the last Will and Testament of me **CHARLES Lord HALIFAX**, consisting of one Sheet of Paper, made and written all with my own Hand, and published in the Presence of several credible Witnesses, whose Names are under written, in the Presence of me the Testator.

Inprimis, I give to my Brother *Christopher Montague*, the Sum of one thousand Pounds, and also to my Brother *Sir James Montague*, one thousand Pounds; and to my Lady *Wandesford*, Mrs. *Lawton*, and Mrs. *Mitchell*, one hundred Pounds, each to buy them Mourning. I give and devise to my Nephew *Edward Montague*, the Sum of five hundred Pounds; and likewise I give to Mrs. *Trevor*, and Mrs. *Thursby*, one hundred Pounds to buy Mourning, and to my

Neices

Neices *Anne* and *Grace Montague*, five hundred Pounds each. I give to my Nephew *John Lawton*, the Reversion of two Annuities, which I purchased after the Lives of *Edward* and *John Lawton*: And also an Annuity I have on Survivorship, for the Life of him *John Lawton*.

Item, I give to Mrs. *Kilfall* one hundred Pounds, and to her Son *Henry* one hundred Pounds. To Mr. *Railton* one hundred Pounds; to *Bowmer*, *Manning*, and his Son *Paisfield*, and *Betty Stockdale*, one hundred Pounds to each of them. I also give to *Betty Stockdale*, and *Mary*, fifty Pounds a Year for their Lives; and to all my other Servants at the Time of my Death, two Years Wages. I give to *Sandham*, twenty Pounds, and to *John Willoughby*, and *John Robinson*, twenty Pounds apiece.

Item, I give to the Lord *Manchester*, the Lady *Suffolk*, Lady *Betty Montague*, and Lady *Catharine Edwin*, and Lady *Lucy Bright*, one hundred Pounds each for Mourning.

I desire to be buried privately in *Westminster-Abbey*, and to have a handsome plain Monument.

Lastly, I give and devise all the rest and residue of my real and personal Estate, to my Nephew *George Montague* of *Horton*, and I make him sole Executor of this my last Will and Testament. And I hereby

will

(iii.)

will and declared that whatsoever Codicil
or Additions, I shall make to this my Will
and sign the same that such Codicil or Com-
dixils, shall be deemed and taken as Part of
this my last Will and Testament. In Wit-
ness whereof, I have hereunto set my Hand
and Seal, this tenth Day of April, Anno
Domini One thousand seven hundred and
sixty eight.

HALIFAX

Signed, Sealed, Published, and De-
clared as, and for, the last Will and
Testament of Charles Lord Halifax,
in the Presence of us whose Names are
under written, we attesting the same,
and subscribing our Names as Wit-
nesses thereunto, in the Presence of
the Testator.

T. HALL.

CHA. MEIN.

JA. TONSON.

By

By Virtue, and in Pursuance of the
Power reserv'd in my last Will and Testa-
ment, of the 10th of April, One thousand seven
hundred and six, I do by this Codicill to
my said Will, give and bequeath to Mrs. Ca-
tharine Barton, all the Jewels I have at
the Time of my Death, and likewise three
thousand Pounds, as a small Token of the
great Love and Affection I have long had
for her. — Sign'd and Seal'd by me
this twelfth Day of April, Anno Domini
One thousand seven hundred and six,

HALIFAX,

*Signed, Sealed, and Published, by Charles
Lord Halifax, in the Presence of us,
as Witnesses hereunto, in the Presence
of the Testator,*

F. LAMBERT.

NATH. COWDERY.

In

[B] In case there be no Dispute upon the Codicil of the first of *February* 1713, which I enjoin my Executor not to make, I do by these Presents revoke and make void this Codicil, of the twelfth of *April*, 1706.

Aug. 30, 1713.

HALIFAX.

Venit summa Dies & ineluctabile fatum.

[C] By Virtue, and in Pursuance of the Power reserved to my self, in my last Will and Testament of the tenth Day of *April*, One thousand seven hundred and six, I do make this Codicil to my said last Will and Testament, and do hereby give to Sir *Isaac Newton*, the Sum of one hundred Pounds, as a Mark of the great Honour and Esteem I have for so Great a Man. And I do likewise give, grant, devise, and bequeath to his Neice, Mrs. *Catharine Barton*, the Sum of five thousand Pounds of lawful Money of *England*. And I do likewise give, devise, and bequeath to her, all the Right, Title, and Interest, I have in a Grant from the Crown, of the Rangership and Lodge of *Busby-Park*, together with all the Household-Goods

Gods and Furniture belonging to the House, Gardens, and Park: To have, hold, and enjoy to her own Use and Benefit, the said Rangerſhip, Lodge, and Park, during her Life: And to enable the ſaid Mrs. Barton to keep the ſaid Houſe and Gardens in Repair and good Order, I do likewise give, grant and bequeath, my Manour of *Apſcourt*, in the County of *Surry*, together with all the Rents, Profits, and Advantages thereunto belonging, to the ſaid Mrs. *Catharine Barton* during her Life. — Theſe Gifts and Legacies, I leave to her as a Token of the ſincere Love, Affection, and Eſteem I have long had for her Perſon, and as a ſmall Recompence for the Pleaſure and Happineſs I have had in her Converſation. And I ſtrictly charge and command my Executor to give all Aid, Help and Aſſiſtance to her, in poſſeſſing and enjoying what I have hereby given her; and alſo in doing any Act or Acts neceſſary to transfer to her an Annuity of two hundred Pounds *per Annum*, purchaſed in *Sir Iſaac Newton's* Name, which I hold for her in Truſt, as appears by a Declaration of Truſt in that Behalf.

Feb. 1, 1712.

HALIFAX

Memo-

The Interlineations and Alterations made in this Codicil, being all of my own Hand-writing, ought to make no Alteration of this my last Will and Testament.

Aug. 30. 1713.

HALIFAX.

June 18, 1715.

John Bowmer, of the Parish of *St. Margaret Westminster*, Gent. and *Thomas Paitsfield* of the same Parish, Gent. severally make Oath, that they these Deponents well knew the Right Honourable *Charles* late Earl of *Halifax*, deceased, and are well acquainted with his Hand-writing, and the Manner and Character of his Subscription, they these Deponents having often seen him write and make the usual Subscription of his Title. And these Deponents having now carefully view'd the three several Schedules hereunto annex'd, mark'd *A*, *B*, and *C*, and whereupon they have severally indors'd their Names, they verily believe the same, and every Part thereof, to be totally wrote and subscrib'd by the said
Right

(viii)

Right Honourable Charles Lord Halifax
Deceased.

J. BOWMER,
THO. PAITFEILD.

Die predicto.

Prefati Johannes Bowmer,
& Thomas Paitfeild, ju-
nati fuere de veritate per-
missorum coram me,

Car. Pinfold, Surr. presente.

B. Rushworth, Notor. Pub.

MUSEVM
BRITAN
NIUM

E. I. N. I. S.